

TABLE OF CONTENTS

Chapter 1 - GENERAL PROVISIONS and PROCEDURES

<i>Section</i>	<i>Page</i>
1.1 Short Title	1-2
1.2 Authority, Legislative Intent and Statement of Purpose.....	1-2
1.3 Conflict with Other Laws and Ordinances	1-2
1.4 Effect on Previous Ordinances and Maps	1-2
1.5 Amendments to this General Plan, Development Code and Zoning Map.....	1-3
1.6 Notices	1-5
1.7 Zone Districts and Zoning Map	1-6
1.8 Penalties	1-7
1.9 Licensing	1-7
1.10 Zoning Map Adopted	1-7
1.11 Permit Procedure Under this Code	1-7
1.12 Permitted Use Review Process	1-7
1.13 Review and Regulations for Impact on Public Infrastructures	1-9
1.14 Conditional Use Review Process.....	1-13
1.15 Master Planned Development (MPD) Review Process.....	1-17
1.16 Appeals and Review Process	1-17
1.17 Termination of Projects.....	1-18
1.18 Appearance before Boards, Commissions and Councils	1-19
1.19 Variances and Special Exceptions	1-19
1.20 Relation to Prior Development and Subdivision Ordinance	1-20
1.21 Vesting of Zoning Rights.....	1-20
1.22 Non-conforming Uses.....	1-21
1.23 Repealer, Savings Clause & Continuation of Prior Ordinances	1-23
1.24 Conflicts Within this Code	1-23
1.25 Annexations.....	1-23
1.26 Determination as to the Classification of Uses	1-23
Table 1.6.5 Application Notice Matrix.....	1-6

Chapter 2 - DEFINITIONS

<i>Section</i>	<i>Page</i>
2.0 Definition Usage	2-1
2.0.1 - 2.0.172 Definitions	2-1 thru 2-14

Chapter 3 - SUPPLEMENTARY PROVISIONS

<i>Section</i>	<i>Page</i>
3.1 Purpose	3-2
3.2 Substandard Lots.....	3-2
3.3 Reduced Site Requirements	3-2
3.4 Lot Standards	3-2

3.5	Sale or Lease of Required Space	3-2
3.6	Sale of Lots Below Minimum Space Requirements	3-2
3.7	Fences, Walls and Hedges	3-2
3.8	Frontage Protection, Safety, and Major Streets Access	3-3
3.9	Clear View of Intersecting Streets	3-4
3.10	Public Utility Structures	3-4
3.11	Zero Side Yard Requirements	3-4
3.12	Home Occupations.....	3-4
3.13	Condominium Conversion.....	3-5
3.14	Side Yard Exceptions	3-5
3.15	Rear Yard Exceptions.....	3-6
3.16	Front Yard Exceptions	3-6
3.17	Height Provisions	3-7
3.18	Accessory Dwellings	3-7
3.19	Regulation of the Placement of Satellite Receiving Antennas.....	3-7
3.20	Low Power Radio and Cellular Towers	3-9
3.21	Setback Requirements for Unusual Lot Configurations	3-12
3.22	Sensitive Lands Review.....	3-12
3.23	Liquor Stores and Private Clubs	3-12
3.24	Day Care Services (Including Preschools)	3-12
3.25	Temporary Uses	3-13
3.26	Commercial Recreational Vehicle Parks or Camp Grounds	3-15
3.27	Off-Street Parking	3-16
3.28	Signs and Outdoor Advertising	3-19
3.29	Design Review	3-28
3.30	Technical Review	3-30
3.31	Right to Farm Provisions	3-30
3.32	Adult/Sex Oriented Facilities and Businesses.....	3-31
3.33	Outdoor Lighting.....	3-42
Table 3.27.12 Parking Requirements per Use		3-18

Chapter 4 - DUTIES, ROLES, AND RESPONSIBILITIES OF CITY COUNCIL, PLANNING COMMISSION AND BOARD OF ADJUSTMENTS, AND OTHER COMMITTEES, AS APPOINTED

<i>Section</i>	<i>Page</i>
4.1 The City Council or Legislative Body	4-2
4.2 The Planning Commission	4-2
4.3 The Board of Adjustment.....	4-5
4.4 Community Development Director and Building Official	4-6
4.5 Required Permits.....	4-7
4.6 Penalties and Enforcement	4-7

Chapter 5 - ZONE DISTRICTS AND REGULATIONS

<i>Section</i>	<i>Page</i>
5.1 Agricultural Zone.....	5-2
5.2 Residential Zones	5-5
5.3 Commercial Zones.....	5-12
5.4 Light Industrial Zone.....	5-16
5.5 Public Facilities Overlay Zone	5-18
5.6 Sensitive Lands Overlay Zone.....	5-20

Chapter 6 - DEVELOPMENT STANDARDS AND SUBDIVISION REGULATIONS

<i>Section</i>	<i>Page</i>
6.1 General Provisions.....	6-2
6.2 Introduction	6-2
6.3 Purpose for Standards and Regulations	6-2
6.4 Authority	6-3
6.5 Jurisdiction.....	6-3
6.6 Interpretation, Conflict, and Severability	6-4
6.7 Saving Provision	6-4
6.8 Amendments	6-4
6.9 Vacation, Alteration or Amendment of Subdivision Plats	6-4
6.10 Variances	6-5
6.11 Subdivision Application Procedure and Approval Process	6-5
6.12 Concept Plan.....	6-6
6.13 Improvement, Design, and Layout Considerations	6-8
6.14 Final Plat and Construction Drawings	6-10
6.15 Plat Approval	6-14
6.16 Improvement Design and Layout Considerations	6-14
6.17 Lot Improvements and Arrangement.	6-16
6.18 Roads, Streets, and Driveways	6-18
6.19 Drainage and Storm Sewers.....	6-22
6.20 Water Facilities	6-24
6.21 Sewer Facilities	6-24
6.22 Sidewalks, Curbs, Trails, and Paths.....	6-25
6.23 Other Utilities	6-25
6.24 Parks, Playgrounds, Recreation Areas and Other Public Uses	6-26
6.25 Preservation of Natural Features and Amenities	6-27
6.26 Completion of On and Off Site Improvement Work Prior to Issuance of Building Permit ..	6-27
6.27 Assurance for Completion and Maintenance of Improvements	6-29
6.28 Inspection of Improvements.....	6-31
6.29 Escrow Deposits or Letters of Credit for Lot Improvements	6-31
6.30 Maintenance of Improvements.....	6-32
6.31 Issuance of Building Permits and Certificate of Occupancy.....	6-32
6.32 Consumer Protection Legislation and Conflicts of Interest Statues	6-32

Chapter 7 - MASTER PLANNED DEVELOPMENTS

<i>Section</i>	<i>Page</i>
7.1 Purpose and Objectives	7-2
7.2 Uses	7-2
7.3 Density	7-3
7.4 Master Planned Development Standards and Requirements	7-5
7.5 Clustering Provisions	7-7
7.6 Twin Home and/or Townhouse Developments	7-7
7.7 Apartment Developments.....	7-7
7.8 Mobile and Manufactured Home Parks and Subdivision Development	7-8
7.9 Preliminary Development Plan	7-10
7.10 Final Development Plat	7-14

Chapter 8 - COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENTS

<i>Section</i>	<i>Page</i>
8.1 Relationship to Other Requirements of This Code and Other Federal, State and City Ordinances	8-2
8.2 Purpose for Commercial and Light Industrial Development Standards	8-2
8.3 Design and Layout Considerations	8-2
8.4 Submission and Approval Process	8-5
8.5 Exceptions to the Requirements of Chapter 6 and Other Requirements of this Code.....	8-10

Chapter 9 - SENSITIVE LANDS REGULATIONS

<i>Section</i>	<i>Page</i>
9.1 Sensitive Lands Defined	9-2
9.2 Application and Analysis Requirements	9-3
9.3 Sensitive Lands Regulations	9-5
9.4 Administrative Provisions	9-9
9.5 Design Standards.....	9-9
9.6 Tree and Vegetation Protection	9-10
9.7 Economic Hardship Relief Provisions.....	9-11

APPENDICES

Appendix A	Zoning Map
Appendix B	Review Process Flow Charts
Appendix C	Fee Schedule
Appendix D	City Ordinance and Resolution Reference Sheet
Appendix E	Annexation Policy Declaration
Appendix F	General Plan Executive Summary

Chapter 1

GENERAL PROVISIONS and PROCEDURES

This Chapter describes the General Rules and Regulations necessary to effectively administer this Coalville City Development Code. Procedures for permitted use and conditional use applications are defined. Code and Zoning amendments, as well as appeal procedures and nonconforming uses are explained in detail. The infrastructure impact review process is also described throughout the permitting procedure. Other important procedures and provisions are also defined in this chapter.

Contents of this chapter

1.1 Short Title	1-2
1.2 Authority, Legislative Intent and Statement of Purpose.....	1-2
1.3 Conflict with Other Laws and Ordinances	1-2
1.4 Effect on Previous Ordinances and Maps.....	1-2
1.5 Amendments to the General Plan, Development Code and Zoning Map.....	1-3
1.6 Notices	1-5
1.7 Zone Districts and Zoning Map	1-6
1.8 Penalties.....	1-7
1.9 Licensing.....	1-7
1.10 Zoning Map Adopted	1-7
1.11 Permit Procedure Under this Code	1-7
1.12 Permitted Use Review Process	1-7
1.13 Review and Regulations for Impact on Public Infrastructure.....	1-9
1.14 Conditional Use Review Process.....	1-13
1.15 Master Planned Development (MPD) Review Process	1-17
1.16 Appeals and Review Process	1-17
1.17 Termination of Projects	1-18
1.18 Appearance before Boards, Commissions and Councils.....	1-19
1.19 Variances and Special Exceptions.....	1-19
1.20 Relation to Prior Development and Subdivision Ordinance	1-20
1.21 Vesting of Zoning Rights.....	1-20
1.22 Non-conforming Uses	1-21
1.23 Repealer, Savings Clause & Continuation of Prior Ordinances	1-23
1.24 Conflicts Within this Code.....	1-23
1.25 Annexations	1-23
1.26 Determination as to the Classification of Uses	1-23
Table 1.6.5 Application Notice Matrix	1-6

1.1 Short Title

This ordinance shall be known as the Coalville City Development Code, and is referred to herein as this Code or this Development Code.

1.2 Authority, Legislative Intent and Statement of Purpose

The City Council of Coalville adopts this Code pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9, of the Utah Code Annotated (U.C.A.) and such other authorities and provisions of Utah statutory and common law that are applicable.

This Code contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of Coalville by ensuring that neighbors and adjacent and neighboring properties are protected from potential negative impacts of development and use of land. It is further the intent to provide a means of ensuring predictability and consistency in the use of land and guiding and directing the development of land to achieve a balance in realizing the desires of property owners and the citizens of Coalville.

This Code was developed as an outgrowth of the initial Coalville City General Plan adopted in 1996. Open meetings and public hearings helped identify the goals and policies addressed in the General Plan and this Development Code. The purpose of this Development Code is to promote and support the goals of the Coalville City General Plan.

It is the intention of the City in adopting this Code to fully exercise all of the powers granted to the City by the provisions of the Utah Land Use and Management Act, § 10-9-1 et seq. of the Utah Code Annotated, 1953, as amended, and all other powers granted by statute or by common law for the regulation of development and land uses. The intention of the City is to assure the managed, proper and sensitive/critical development of land within Coalville and to protect and enhance the quality of the rural, small town character of the community. This Code is intended to allow development in a manner that encourages the preservation of scenic resources, the unique setting of Coalville, and provide for well-planned commercial and residential developments, smooth traffic circulation, and efficient delivery of municipal services. This Code seeks to prevent development impacted by existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety in the community, or development that impacts critical wildlife habitats, or developments that detract from the quality of life in the community.

1.3 Conflict with Other Laws or Ordinances

The provisions of this Code are in addition to all other City ordinances, laws of the State of Utah and United States, and applicable common law. This Code shall not supersede any private land use regulations in deeds or covenants that are more restrictive than this Code. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.

1.4 Effect on Previous Ordinances and Maps

The existing zoning ordinances of Coalville, including the official zone map adopted with those ordinances, are hereby amended in their entirety to conform to the provisions of this Code, providing that this Code is a continuation of those existing ordinances, and not a new enactment, in so far as the substance of the old and new provisions are the same.

1.5 Amendments to the General Plan, Development Code, and Zoning Map

It may become desirable from time to time to amend the provisions of the General Plan, Code or Zoning Map. This Code should be constantly reviewed and improved upon to stay viable and useful to the City. Any amendment to the General Plan, Code or Zoning Map should be consistent. All amendments will be completed in the following manner:

1.5.1 Amendments

Amendments to the General Plan, Code, or Zoning Map may be initiated by the Planning Commission, City Council, an applicant for development approval, or member of the general public. Amendments may be initiated by, but are not necessarily limited to, the following reasons:

1. Allowing a use previously prohibited.
2. Prohibiting a use previously allowed.
3. Increasing or decreasing the density of the uses previously allowed.
4. Changing a permitted use to a conditional use.
5. Changing a conditional use to a permitted use.
6. Changing the zone of any property.
7. Procedural or regulatory changes, both minor and major.
8. Zoning Map amendments or modifications.
9. Repealing of any regulation or procedure.
10. Adding of any regulation or procedure.
11. Any other miscellaneous changes that may become necessary.

It should be noted that many amendments to the Zoning Map and this Development Code may require an amendment to the General Plan as well. If a petition would require changes to the General Plan, it should be so noted on the petition and the changes should be made concurrently.

1.5.2 Schedules for General Plan, Development Code and Zoning Map Amendments

The Planning Commission and City Council will review and hold public hearings on applications for General Plan, Development Code and Zoning Map amendments every four (4) months provided that an application is submitted no later than sixty (60) days prior to the hearing. The public hearings shall be scheduled to occur on or about February 1, June 1, and October 1 of each year.

1.5.3 Applications for General Plan, Development Code and Zoning Map Amendments

An application to amend the General Plan, Development Code or Zoning Map shall be filed first with the Staff on a form prescribed for that purpose. The application shall contain the following information (2 sets are required):

1. Vicinity map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale.
2. Legal description of the land affected by the application.

3. A map showing the current zone of the property and the zone desired or the proposed code or general plan amendment or both, as applicable.
4. Statement of reason for the General Plan/Development Code/Zoning Map Amendment.
5. Concept plan of the proposed project including the information required in Section 6.12.1 of the development code showing the general development layout, use, density and location of existing municipal water supply and sanitary sewage systems and proposed connections to serve the development.
6. Two sets of stamped and addressed envelopes of all property owners within 300 feet of the perimeter of the site or lot lines with current mailing addresses as shown from the most recently available County Assessment rolls.
7. Any other information that might be helpful to the City in reviewing the proposed amendment.
8. Application Fee.

1.5.4 Criteria for Approval

In considering a General Plan, Development Code or Zoning Map Amendment, the Staff, Planning Commission and City Council shall consider the following criteria for approval:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment is compatible with adjacent land uses and will not adversely impact the character of the surrounding area
3. The proposed development plan for the property is in general compliance with all applicable standards and criteria for approval as described in the development code.
4. The amendment will not adversely affect the public health, safety and general welfare of the community.

1.5.5 Hearings before the Planning Commission

The Planning Commission shall hold a public hearing on all applications for General Plan, Development Code and Zoning Map amendments and receive comments from citizens or property owners affected by the proposed change. Notice of all General Plan, Development Code and Zoning Map amendment hearings before the Planning Commission shall be given as set forth in Section 1.6 of this Code. The notice shall state generally the nature of the proposed amendment as outlined in Section 1.5.1 herein, the land affected, and the time, place, and date of the public hearing. The notice shall also state that more detailed information shall be available for public inspection at the City Office, or other specified location at the time the notice is published. All such information shall be available prior to publication of the notice of public hearing.

1.5.6 Action by Planning Commission

Following a public hearing, the Planning Commission shall prepare a formal recommendation to the City Council regarding the application. The recommendation shall be to approve, deny, or modify and approve the application. The Planning Commission shall act on the application at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or applicant has requested the matter be tabled for further consideration, or the application is withdrawn. If the Commission fails to act within two (2) regularly scheduled meetings on the application, the application shall be deemed as a recommendation for denial by the Planning Commission and the application shall be forwarded to the City Council for their consideration with that recommendation.

1.5.7 Hearing before City Council

The City Council shall hold a public hearing on the recommendation of the Planning Commission for all applications of General Plan, Development Code and Zoning Map amendments. Following the hearing, the Council shall approve, deny, or modify and approve the recommendation of the Planning Commission. The hearing may be continued, if necessary, without republication of notice. The recommendations of the Planning Commission are advisory only, and the Council may or may not adopt the recommendations of the Commission. Council action on an amendment to the General Plan, Development Code or Zoning Map requires the affirmative vote of three or more City Council members. The Council may act on the application at the time of the hearing or at subsequently scheduled meetings. An action of the City Council on a rezone application is a discretionary legislative decision.

1.5.8 Joint Hearings

At the option of the City Council, the hearings before the Planning Commission and the City Council may be consolidated into a single hearing, provided however, that separate votes shall be taken by the Commission and the Council. The Commission vote shall be taken first followed by a vote of the Council on the recommendation of the Commission. Notice for any joint hearing shall comply with the notice requirements set forth in Section 1.6 of this Code.

1.6 Notices

Notice of hearings before the Planning Commission and City Council concerning amendments to the General Plan, Zoning Map, and this Development Code, preliminary and final subdivision plat approvals, conditional use approvals, master planned development approvals, temporary use permits, certificates of appropriateness for design or demolition, appeals, variances and other requests or actions of the Board of Adjustment shall be provided in accordance with this section.

Notice of amendments to the General Plan, Development Code and Zoning Map shall be given at least ten (10) days before the date set for the hearing. Notice of amendments or vacation of subdivision plats, or city streets, shall be given in accordance with State law. All other notice required herein shall be given at least ten (10) days before the hearing. See Table 1.1 in this section for a general summary matrix of the notice requirements. All notice required under this section shall be given as follows:

1.6.1 Posted Notice

The City Staff or Planning Commission Chair shall post or cause to be posted, notice in at least three public places within the City, stating that an application concerning development of property has been filed, and that more detailed information concerning the application is available from the City.

1.6.2 Published Notice

Published notice, at the applicants' expense, shall be given by publication in a newspaper having general circulation in Coalville. Published notice shall state that an application has been filed or that an appeal has been requested, the nature of the application or action, and the time, place and date set for a public hearing on the matter.

1.6.3 Courtesy Notice

As a courtesy to property owners, the applicant shall provide the City with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within three hundred (300) feet from any boundary of the property or project site subject to the application, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Summit County tax assessment rolls. The courtesy notice shall state that an application has been filed affecting the subject property or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for a public hearing on the matter. Courtesy notice is not a legal requirement, and

any defect in courtesy notice shall not affect or invalidate any hearing or action by the Planning Commission, City Council or Board of Adjustment.

1.6.4 Proof Of Notice

Proof that notice was given pursuant to either Section 1.6.1 or 1.6.2 above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

Table 1.6.5 Coalville City Application Notice Matrix

ACTION	POSTED	MAILED	PUBLISHED
Amendment to Zoning Map or Rezone	At least 3 places, 10 days prior to each hearing before the Planning Commission and City Council	To all owners of the property and all owners within 300 feet, 10 days prior to each hearing	Once, 10 days prior to each hearing before the Planning Commission and City Council
Amendment to this Development Code	At least 3 places, 10 days prior to each hearing before the Planning Commission and City Council	-NA-	Once, 10 days prior to each hearing before the Planning Commission and City Council
Amendment to the General Plan	At least 3 places, 10 days prior to each hearing before the Planning Commission and City Council	-NA-	Once, 10 days prior to each hearing before the Planning Commission and City Council
Appeals to Board of Adjustment and City Council – Variance Requests, Special Exceptions, Modifications and Hardship Relief Petitions	At least 3 places, 10 days prior to each hearing before the Board of Adjustment and City Council	To all owners of the property and all owners within 300 feet, 10 days prior to each hearing	Once, 10 days prior to each hearing before the Board of Adjustment and City Council
Preliminary Plans and Final Plats, Conditional Uses, Master Planned Developments	At least 3 places, 10 days prior to each hearing before the Planning Commission and City Council	To all owners of the property and all owners within 300 feet, 10 days prior to each hearing	Once, 10 days prior to each hearing before the Planning Commission and City Council

1.7 Zone Districts and Zoning Map

In order to carry out the purposes of this Code, land use districts have been established as set forth in Chapter 5 of this Code and a Zoning Map has been established. The Zoning Map is adopted as a part of this Code and this Code is intended to be consistent with the Zoning Map. In interpreting the Zoning Map, the following standards shall apply:

1. The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.
2. Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by

using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.

3. Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes fifteen (15) percent in grade or in the case of waterways, the average centerline of the waterway. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic data submitted to the City. Where land of less than fifteen (15) percent slope is surrounded by land of fifteen (15) percent or greater slope, the Planning Commission shall entertain an application to rezone the land of less than fifteen (15) percent slope to a suitable residential use if the City Staff determines that the land is adequately accessible and not within sensitive lands.
4. If the Planning Commission, City Council, or member of the public requests an interpretation of a zoning district the matter shall be forwarded to the Board of Adjustment for an interpretation.

1.8 Penalties

Any person, firm, partnership, or corporation, or the principals or agents thereof violating or causing the violation of this Code shall be guilty of a Class C misdemeanor and punished upon conviction by a fine and/or imprisonment. In addition, the City shall be entitled to bring an action to enjoin the continuation of the violation. Private Citizens of Coalville or property owners shall also have a right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action shall give notice of the action to the City Recorder prior to filing the action.

1.9 Licensing

All departments, officials and public employees of the City who are vested with the duty or authority to issue permits or licenses, including business licenses shall conform to the provisions of this Code, and shall issue licenses and permits only in conformance with the provisions of this Code. Licenses issued in violation of this Code shall take no effect, and are null and void.

1.10 Zoning Map Adopted

The Coalville City Zoning Map is the official zoning map for Coalville. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted in a timely manner.

1.11 Permit Procedure Under This Code

No building permit(s) shall be issued for any project without final development approval. Development proposals shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process, which includes Master Planned Developments, Subdivisions and Commercial Developments. Final approval of subdivisions, commercial developments and conditional uses must be granted by the City Council. Upon issuance of final development approval, the plans will be forwarded to the Building Official for review and building permit issuance under the provisions of the Building Code.

1.12 Permitted Use Review Process

On any proposal to construct a building or other improvement(s) on property that is defined by this Code as a permitted use in the zone in which the project is proposed, the Staff shall review the submission to determine whether the proposal:

1. Is a permitted use within the zone for which it is proposed.

2. Complies with the requirements of that zone for height, setback, and lot coverage.
3. Meets the applicable parking requirements.
4. Conforms to architectural design guidelines established for that zone.
5. Requires Sensitive Lands review as defined in Chapter 9 herein.
6. Has met the requirements of the infrastructure review process as defined in Section 1.13 herein.
7. Requires a certificate from the technical review committee as outlined in Section 3.31 herein.

Upon finding that the proposal complies with the applicable zoning requirements, and can be adequately serviced by existing utility systems or lines, the plans shall be reviewed for Building Code compliance and permit issuance. If the submission does not comply with the requirements of the zone, the Staff shall notify the owner of the project or his agent stating specifically what requirements of the zone have not been satisfied. Based on the issues of the application, Staff may schedule a public hearing before the Planning Commission and/or City Council for review and approval consideration of the project.

1.12.1 Application for Permitted Uses

The application for a building permit as a permitted use shall contain the following information, in addition to information required by the Building Code:

1. When a structure is to be built, elevations of all sides of the structure showing height and an indication of exterior colors and materials of the building, including roof.
2. A Site Plan drawn to scale (minimum 1" = 20') and minimum size 8 1/2" x 11" showing:
 - a. north arrow, scale, property lines, easements, adjacent street centerlines and rights-of-way.
 - b. The lot or parcel and the location of all existing and proposed structures and improvements including driveways, sidewalks, landscaping, and fencing.
 - c. The project or subdivision name, address and lot numbers (if applicable), section, township and range, acreage or square footage of total site and name and address of the owner or responsible agent, and telephone numbers.
 - d. The location of the proposed structure by street address or by reference to existing structures so that the location can be identified and assigned a street address.
 - e. The location and size of existing and proposed utility lines.
 - f. Proposed setbacks from all structures to the nearest property line.
 - g. The location of drainages, ditches and/or waterways.
3. A legal description, plat map and proof of ownership of the property.
4. Topographic data and/or grading plan may be required when the site is sloping or when the building height cannot be readily determined from the elevations without topographic information.

5. A certified survey may be required on projects with structures on or near the lot lines or when the lot lines are difficult to determine from existing plats and monuments.
6. Other information required by this Code to adequately review and address potential impacts of the proposed project.

1.12.2 Commercial and Industrial Developments

Commercial and industrial developments listed as permitted uses shall be subject to the commercial and industrial development standards of Chapter 8 and processed according to this Section 1.12.

1.12.3 Time Limit

Unless there is actual construction within a period of 180 days from the date of site plan and/or building permit approval by the City, the approval for a permitted use shall expire.

1.13 Review and Regulations for Impact on Public Infrastructure

1.13.1 Infrastructure Review

Although the City endeavors to provide infrastructure that will adequately serve uses, buildings, structures, or subdivisions allowed within each zone district, certain developments because of use, size, type of construction, or lot characteristics present peculiar or excessive demands on City infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the City to determine the possible impacts on public infrastructure.

All Infrastructure improvements must be concurrently constructed and timed with the development. All costs associated with infrastructure improvements shall be borne by the developer. Impact fees will also be required to be paid by the developer and/or lot owner in accordance with the Coalville City Impact Fee Ordinance.

In order for the City to determine whether existing infrastructure is adequate or what additional infrastructure is needed to meet the particular needs of certain types and sizes of buildings and structures, uses or subdivisions that are permitted in the zone, the following types and sizes of proposed developments are subject to the review process for impact on existing infrastructure:

1. Commercial or multifamily buildings or structures greater than ten thousand (10,000) square feet in size.
2. Buildings or structures that are required to have fire sprinkling systems under a Coalville City or fire district ordinance or resolution.
3. Buildings or structures located on lots with an average slope of more than 15 percent.
4. Industrial or manufacturing facilities that deal with products or processing materials that are or could become explosive, flammable or toxic according to the Uniform Fire Code.
5. Subdivision or Master Planned Development projects with four (4) or more dwelling units, or lots.
6. Development projects that require the extension of any public infrastructure over five hundred (500) feet or City block whichever is less.

1.13.2 Scope of Review

For proposed buildings, master planned developments and uses that are permitted or conditional uses in the zone in which the development is proposed, the review shall include the determination of the ability of existing City infrastructure to provide adequate water for culinary purposes, sufficient sanitary sewer capacity, irrigation and fire flow, proper handling of storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, and ensuring safe access for users and emergency vehicles in accordance with applicable codes, standards, and ordinances.

1.13.3 Review Procedure

For proposed buildings, master planned developments and uses that are permitted or conditional uses, are subject to review for impact on existing infrastructure according to the standards described in this section. The following review procedure shall be followed:

1. Upon making an application, the applicant shall supply the City with plans and specifications sufficiently detailed to determine whether the proposed project is subject to further infrastructure review.
2. For any application that requires infrastructure impact review, the City may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information may be requested by the Staff to the extent relevant:

1.13.3.1 To Determine the Impact on Drainage:

- a. A map of the site showing the existing conditions prior to the demolition of any structures, any grading, and any known geologic or natural hazards.
- b. Topography with contours shown at intervals of not more than five (5) feet of the site and boundary of contiguous properties.
- c. Vegetation type and location, soil type and load carrying capacity information.
- d. One Hundred (100) year flood plain, ordinary high water mark, and high ground water areas, known spring and seep areas and ditches or canals.
- e. All existing roads and proposed road locations and other circulation features, fences, irrigation ditches, and drainage facilities.
- f. Location and size of the nearest storm drain facilities the site could drain to, water lines and sewer lines, where the developer proposes to connect to the existing drains, and proposed drainage, drainage works, detention ponds, retaining walls, and erosion control plans.
- g. Site plan of the proposed buildings and structures showing building locations and finished grades.

1.13.3.2 To Determine the Impact on Water, Fire Flows and Sewage:

- a. Location and size of the nearest water main and sanitary sewer lines which the project can drain or be supplied and where and how the applicant proposes to connect to the systems.
- b. Site plan and floor elevations (including building height) of all proposed buildings and structures showing building locations, construction type and materials.
- c. Proposed easements for new utility services or relocated utility services.

- d. Fire hydrant locations, building sprinkling plans and water demand for fire flows.
- e. Estimated peak culinary water demands including secondary water irrigation.
- f. Proof of “wet” water in adequate quantity and quality, acceptable under City standards, if the developer is supplying water or is transferring water rights to the culinary system.
- g. Other specific information as determined by the Staff, is necessary for adequate review of the project.

1.13.3.3 To Determine the Impact on Slope Retention:

- a. Topography existing before construction and proposed finished grades, both on the site and as they relate to adjoining property.
- b. Proposed drainage, drainage works, retaining walls, and erosion control plans.
- c. Proposed landscaping.
- d. Detailed construction and architectural elevation drawings of all proposed buildings showing cuts and fills.
- e. A geotechnical study of the project site where proposed development is to be located.
- f. Other specific information as determined by the Staff, is necessary for adequate review of the project.

1.13.3.4 To Determine the Impact on Streets and Pedestrian Facilities:

- a. A site plan which shows proposed vehicle and pedestrian connections, including sidewalks, trails and roads to existing or planned facilities shown on the Trails or Streets Master Plan.
- b. Staging location construction plan.
- c. Estimated truck traffic trip numbers and proposed routes for construction traffic.
- d. Traffic Impact Study for proposed development including trip generation analysis, existing road capacity, proposed road cross sections and other information as required by the Planning Commission.

1.13.4 City Action

Within thirty (30) working days from the receipt of the complete application including all information requested for infrastructure impact review, the Staff shall review the project and determine whether existing infrastructure is sufficient to adequately serve the proposed development. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with the professional review.

If the existing infrastructure is adequate to serve the proposed development, the project will be considered for approval in accordance with this Code and the Building Code. If upon review, existing infrastructure is found to be inadequate to serve any proposed development, the project approval shall be withheld. At the option of the City, the applicant may either:

- 1. Change the size, type, scale, location or number of any proposed buildings, uses or lots in such a manner that existing infrastructure may adequately serve all proposed buildings, uses or lots.

2. Provide at applicant's expense the additional on and off-site infrastructure necessary to adequately serve all proposed buildings, uses, or lots according to standards and specifications approved by the City.
3. Pay a proportionate share of a City project that would mitigate the impact as determined by the City Council.

Upon submission of plans changing the size, type, scale, location or number of any or all proposed buildings, uses or lots in such a manner that existing infrastructure is adequate to serve the development, or upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the City for the full cost of the additional infrastructure required as verified by the City Engineer, approval may be granted in accordance with this Development Code.

1.13.5 Appeal and Review

All actions regarding infrastructure impacts and requirements of the Planning Commission or Staff may be appealed to the City Council. If the applicant does not agree with the determination of Staff that existing infrastructure is inadequate or with the requirement for additional infrastructure, the applicant may request City Council review. The City Council is empowered to affirm, reverse or modify the determination of Staff.

If the Staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within thirty (30) working days after complete information submission, the application shall be forwarded to the Planning Commission for determination of adequacy of existing infrastructure.

1.13.6 Transferability

The infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site.

1.13.7 Expiration

If construction is not completed or a building permit is not obtained within one (1) year from the date of infrastructure approval, then the infrastructure review and approval process must be repeated to determine whether off-site conditions or demands have changed the ability of the system to serve the project under review.

1.13.8 Standards for Review

No development shall be approved or building permits be issued for buildings or structures subject to infrastructure review unless it is found by the City that there is sufficient infrastructure capacity according to the standards adopted by the City. Specific review criteria include: delivery of adequate water for culinary and fire flow purposes; sufficient sewer line and plant capacity; safe vehicular and pedestrian access for owners; users and emergency vehicles; and proper handling of storm drainage and slope preservation. The standards to be applied for review are as follows:

1. The standards for adequate delivery of water are: the Coalville City Fire Flow Standards; the North Summit Fire District Standards; the Coalville City Engineering Design Standards; Construction Specifications and Drawings Standards; and the County and/or State Department of Health Drinking Water Regulations as now constituted and as may be adopted or amended.
2. The standard for sufficient sewer line and plant capacity are: the Coalville City Sanitary Sewer Standards; Coalville City Engineering Design Standards; Construction Specifications and Drawing Standards and State Department of Health Regulations as now constituted and as may be adopted or amended.

3. The standards for adequate site drainage are the Building Code, as adopted by ordinance, and the Coalville City Engineering Design Standards, Construction Specifications and Drawings Standards as now constituted and as may be adopted or amended.
4. The standards for access to the development are the Fire Code as adopted by ordinance; the Coalville City Streets Master Plan; the Coalville City Trails Master Plan; the Coalville City Engineering Design Standards; and Construction Specifications and Drawings Standards as now constituted and as may be adopted or amended.
5. The standards for slope retention are the Building Code, as adopted by ordinance and the Coalville City Engineering Design Standards, Construction Specifications and Drawings Standards as now constituted and as may be adopted or amended.

1.14 Conditional Use Review Process

Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, agricultural, and light industrial districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone. If properly and carefully planned, these uses, which are different from the predominant use or more intensive than permitted uses in the same zone may become compatible and appropriate for the zone in question. For example, the location and nature, character of surrounding development, traffic capacities of adjacent and collector streets, and the environmental factors such as drainage, erosion, and soil stability, of the proposed use all may dictate circumstances where a more intensive use may or may not be appropriate for the zone.

The conditional use procedure is intended to provide greater flexibility in land uses while at the same time preserving neighborhood character and assuring compatibility between the conditional uses, the permitted uses and the uses on adjoining properties, and the community at large. Conditional uses will be subject to review by the Staff, Planning Commission and City Council, and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district and mitigating potential adverse affects of the conditional use. Where conditions of the use cannot be devised to satisfactorily mitigate adverse impacts of the conditional use, the application for a conditional use approval shall be denied. Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed according to the following procedure:

1.14.1 Pre-Application Conference

A pre-application conference shall be held with the Staff to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Staff and the applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.

1.14.2 The Application

A conditional use application shall be filed on a form prepared by the City and shall be supported and accompanied by the following information (two sets are required):

1. A map of the site showing the existing conditions prior to the demolition of any structures and any grading, with north arrow and scale.
2. A vicinity map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale.
3. The boundaries of the site, any easements of record or known prescriptive easements, existing public utility facilities, roads, fences, irrigation ditches, and drainage facilities.

4. Topography with contours shown at intervals of five (5) feet or less, one hundred (100) year floodplain, or ordinary high water mark and high ground water areas, known spring and seep areas, ditches or canals, and wetlands.
5. Existing vegetation, type and location, soil classification and load carrying capacity information.
6. Site plan of the proposed conditional use showing building locations, proposed road locations, parking areas, trails and sidewalks and other circulation features at proposed finish grade.
7. Proposed grading, drainage, and erosion control plans.
8. Proposed location of all site improvements such as arenas, barns, plazas, tennis courts, swimming pools, and similar improvements.
9. Proposed utility plan including easements for new utility services or relocated utility services.
10. Proposed landscape and irrigation plans.
11. Designations of proposed ownership of areas shown on site plan as common area or dedicated open space.
12. Architectural elevation drawings of proposed buildings.
13. Proposed lighting and signage plans.
14. Proposed location of a common satellite receiving station or other antennae.
15. Other information necessary for the meaningful review of the project. Additional information may be requested at the pre-application conference based on the nature of the project or the site.

1.14.3 Other Documentation

The following documentation shall be submitted with the application:

1. A preliminary title report showing the title to the property and listing all encumbrances, covenants, easements, and other matters affecting title and a legal description of the site.
2. Copies of any covenants or easements that are referred to in the title report.
3. A development schedule indicating phased development, if any, and the estimated completion date for the project.
4. Stamped and addressed envelopes for all property owners within three hundred (300) feet of the perimeter of the site or lot line with their current mailing addresses as shown from the most recently available county assessment rolls.
5. A general description of the project.
6. Other information that might be helpful to the City in reviewing the proposed use.

1.14.4 Notice/Posting

Upon receipt of the complete conditional use application and payment of all applicable fees, the Staff shall give notice to the public in accordance with the provisions of Section 1.6 of this Code.

1.14.5 Public Comment

The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that interested persons may review the application at the City office during normal business hours. The notice shall provide a public comment period of not less than ten (10) days during which written comments may be submitted for Staff consideration while reviewing the project. Comments filed after the close of the comment period may be considered or disregarded by the City.

1.14.6 City Action

1.14.6.1 Time Frame

Once an application is received, the Staff shall work diligently to review the application as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within sixty (60) days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff shall inform the applicant of the projected processing time frame when an application is filed.

1.14.6.2 Staff Review

Staff shall review the project and identify appropriate conditions of development approval. If the developer accepts the conditions imposed, the conditional use application shall be placed on the agenda of the Planning Commission for approval consideration. The Staff may recommend immediate review of the use at the next scheduled Planning Commission meeting (if notice requirements under Section 1.6 can be met) if the City Staff determines that the conditions may be better prepared and evaluated by the Planning Commission, or if the use requested is a minor or temporary conditional use.

1.14.6.3 Planning Commission Review

The Planning Commission shall determine if all points of this Code have been complied with for review and compliance of the conditional use process and may further amend, add or delete conditions recommended by the Staff. The Planning Commission shall recommend approval or denial of the proposed Conditional Use to the City Council for their review and consideration at the next regularly scheduled City Council meeting that can meet notice requirements of Section 1.6.

1.14.6.4 City Council Review

The City Council may approve, amend and approve or deny the Conditional Use as recommended by the Planning Commission. The City Council may also remand the Conditional Use Application back to the Planning Commission for further review and evaluation. If the City Council denies the use, the applicant must amend and re-submit the application to the Planning Commission or appeal to the Board of Adjustment. After approval by the City Council, building permits may be issued by the City Building Official as provided in the Building Code and this Code.

1.14.6.5 Appeal

If Staff and the developer are not able to agree on conditions of approval, the developer may still go before the Planning Commission for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled Planning Commission meeting that meets notice requirements of Section 1.6.

If Staff does not act on an application or indicate to the developer what aspects of the plan are not acceptable as proposed within sixty (60) working days after submission, the developer shall have

the right of review by the Planning Commission. The developer may, at any time in the review process, request review of the conditions of approval by the Planning Commission.

If the applicant does not agree with the findings or actions of the Planning Commission or the City Council, the appeal is to be heard by the Board of Adjustment, as per Chapter 4 of this Code.

1.14.7 Plat Approval

When a conditional use requires the recording of a plat, the final plat shall be reviewed by the Planning Commission and City Council for approval. The scope of review for plat approval is set forth below in Section 6.15. Plat approval may be granted at the same time as the Conditional Use Approval.

1.14.8 Transferability

A Conditional Use Approval including all conditions of development approval may be transferable, conveyed or assigned by the applicant with the title to the underlying property. The Conditional Use cannot be transferred off the site on which the approval was granted.

1.14.9 Expiration

Conditional Use approvals shall expire one (1) year from the date of the City Council approval or as otherwise specified during the review and approval process unless substantial construction activity has commenced on the project. Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). Construction of a footing and foundation is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are obtained within six (6) months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction work for purposes of extending a conditional use approval. Whether construction has commenced or not, the City Council may grant an extension of the Conditional Use Approvals for up to one (1) additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction such as inclement weather, delays in financing, or similar reasons.

Where the City Council has granted a temporary conditional use approval, the expiration will occur on the date specified in the approval. Renewal of a conditional use will require a complete re-application to be submitted for review and approval.

1.14.10 Standards for Review

No Conditional Use shall be approved unless the application complies with all requirements of the Code; the use is compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. Each of the following items shall be reviewed when considering a Conditional Use Approval:

1. Size and location of the site.
2. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.
3. Utility capacity.
4. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.
5. Fencing, screening, and landscaping to separate the use from adjoining uses.
6. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.

7. Usable and permanent open space considerations.
8. Signage and lighting.
9. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.
10. Other technical review matters as may be applicable or required to evaluate the impacts of the proposed project.

1.14.11 Sensitive Lands Review

If a conditional use is located within Sensitive Lands, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 9.

1.14.12 Design Review

The Planning Commission or Staff may review the proposal for appropriate design in order to create or maintain a desired architectural effect. Recommendations may be used as guidelines in the establishment of conditions under the approval as outlined in Section 3.30.

1.14.13 Technical Review

The Planning Commission or Staff may complete a technical review if necessary. A committee may be set up to review and make suggestions to the Planning Commission regarding unique concerns or features of a project that may be beyond the expertise of the Planning Commission or Staff. Recommendations of that committee may be used as guidelines in the establishment of conditions of approval, as outlined in Section 3.31.

1.14.14 Impact on Public Infrastructure

Review for impact on City infrastructure shall be made as outlined in the Section 1.13. All Infrastructure improvements must be concurrently constructed and timed with the development. All costs associated with infrastructure improvements shall be borne by the developer. Impact fees will also be required to be paid by the developer and/or lot owner in accordance with the Coalville City Impact Fee Ordinance.

1.15 Master Planned Development (MPD) Review Process

Applications for developments to be built according to a master plan that provides for mixed use, density transfers, clustering and unit concentrations, or maximizing of permanent open space within the site are commonly referred to as planned unit developments and are divided into two review processes depending on the size and nature of the project. These review processes are described as follows:

1.15.1 Minor Master Planned Development Review

If an MPD meets the same qualifications as a Minor Subdivision, and does not require the extension of public infrastructure, the MPD may be classified as a Minor Master Planned Development. The Planning Commission may waive many of the requirements of the MPD review process, including off-site infrastructure concurrency and bonding requirements.

1.15.2 Master Planned Development Review

Those projects having more than three (3) lots or units, or includes non-residential uses, shall be reviewed as Master Planned Developments according to the procedure described in this Code. The requirements for Master Planned Developments are described in Chapter 7.

1.15.3 Sensitive Lands Review

If a Master Planned Development is located within Sensitive Lands, additional requirements and regulations may apply. Please refer to the sensitive lands provisions in Chapter 9.

1.16 Appeals and Review Process

Decisions by the Staff, Planning Commission or City Council regarding planning and zoning issues may be appealed to the Board of Adjustment. Any person(s) within the City who may be adversely affected by a decision of the City Council, Planning Commission, or Staff regarding an application or decision based on this Code, or the owner of the subject property affected shall have standing to appeal a decision of the City Council, Planning Commission or Staff. Appeals of City actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner; relationship to the project or subject property; and the reasons for the appeal, including specific provisions of this Code, that are violated by the action taken.

1.16.1 Written Findings Required

The Planning Commission or City Council shall prepare written findings on any application that it denies, amends or approves. These findings shall state the reasons for the action and the provisions of this Code, other City ordinances and guidelines, or applicable state or federal laws or regulations, the proposed conditions of action to be imposed and the reasons why those conditions were necessary. These findings shall then be made available to the Board of Adjustment for their use in the appeal process.

1.16.2 Appeal Petitions Process

The owner of the property acted on by the City, and any person living or owning property within the City has the right to appeal to the Board of Adjustment any final decision of the Planning Commission or the City Council regarding Planning and Zoning decisions. The petition must be filed in writing with the City Recorder within fifteen (15) calendar days of final project action. The petition for the appeal shall state the name, address, and telephone number of the petitioner and agent, if any, the name of the project, and the reason for the appeal. The City shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City, and can meet the notice requirements of Section 1.6. The City Recorder shall notify the petitioner and the owner of the project of the appeal date. The City Recorder shall obtain the findings from the Planning Commission and City Council and all other pertinent information and transmit them to the Board of Adjustment.

1.16.3 Action on Petitions

The Board of Adjustment may affirm, reverse, or affirm in part or reverse in part any decision of the Planning Commission or City Council regarding planning and zoning decisions. The Board of Adjustment may remand the matter to the Planning Commission or City Council with directions for specific areas of review or clarification. Board of Adjustment review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Board, by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear.

1.16.4 Stay of Approval Pending Review or Appeal

Upon the filing of an appeal to the Board of Adjustment of a Planning Commission or City Council decision, any action on the matter by the Planning Commission or City Council will be suspended until the Board of Adjustment acts on the appeal.

1.16.5 Appeal from the Board of Adjustment

The owner of any project, or any person aggrieved by a decision of the Board of Adjustment may appeal the final action by filing civil action in the District Court as provided by state law. The decision of the Board of Adjustment shall stand, and those affected by the decision may act in reliance on it unless/or until the court enters an interlocutory or final order stating the effectiveness of the decision.

1.16.6 Finality of Action

If no appeal has been filed at the end of fifteen (15) days from the date of final action by the City Council, Planning Commission or Staff, the action is final. The City Council may extend the appeal time period on a particular project as deemed necessary.

1.17 Termination of Projects

It is the policy of the City to require developers submitting projects to the planning process to move their projects to either approval or denial in a reasonably expeditious manner. The time required in the planning review process will vary with the size and complexity of each proposal and the establishment of exact time requirements for review is impractical. It is the policy of the City to formally deny projects submitted to the process that remains inactive for long periods of time due to acts or omissions of the developer.

1.17.1 Termination of Applications

When the Staff believes that a project that has been formally submitted is not making normal progress towards final approval, the project shall be presented to the Planning Commission for consideration of denial. No project shall be taken to the Planning Commission for denial on the basis of inaction without giving thirty (30) days written notice to the applicant and the responsible agent by certified mail. Such notice shall state the intent of the City to deny the project due to inaction. The time, place, and date when the matter will be taken before the Planning Commission shall also be stated in the notice.

1.17.2 Inaction Defined

A project shall be deemed inactive and subject to denial on the basis of inactivity if, through the act or omission of the applicant and not the City:

1. More than three (3) months has passed since the last meeting of Staff and the applicant.
2. More than three (3) months has passed since a request for additional information was made by Staff, which request has not been complied with or reasons for non-compliance are not stated or indicated by the applicant.
3. The applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest.
4. The applicant has stated intent to abandon the project.
5. The project appears to have been abandoned.
6. The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change or code amendment without actual intent to construct any project.

Delays caused entirely by internal delays of the Staff, Planning Commission, City Council or Board of Adjustments shall not be cause for termination.

1.17.3 Reinstatement

An applicant may appeal the Planning Commission denial of a project for inactivity to the City Council or the action may be called up by the City Council. The City Council may reinstate the application subject to payment of full submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, all interest in the application ends. If the applicant desires to proceed with the project, the applicant must submit a new application and start at the beginning of the process with a new submission and payment of new submission fees, and shall be subject to all ordinances then in effect.

1.18 Appearance Before Boards, Commissions and Councils

All persons speaking before any City department, committee, commission, board or the City Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans or if the owner is present. The Planning Commission or Staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.

1.19 Variances and Special Exceptions

Any variances or special exceptions to this Code shall be granted only by the Board of Adjustment under the provisions of Chapter 4, herein, prior to the issuance of any conditional use, master planned development, subdivision approval or any other development approval. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance, special exception or denial by the Board of Adjustment. Appeals from final action of the Board of Adjustment shall be made to the District Court as provided by state law and not to the City Council.

1.20 Relation to Prior Development and Subdivision Ordinance

The procedures set forth in this Code are intended to supersede any inconsistent procedural provisions in previous development and subdivision ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein.

1.21 Vesting of Zoning Rights

Upon payment of the required application fees and submission of a completed application, an applicant shall be entitled to have a filed application reviewed and acted upon pursuant to the terms of this Development Code and Zoning Map in effect at the time of filing of a complete application, subject to the exceptions set forth below. The applicant may take advantage of amendments to this Code and Zoning Map that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees. Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

1.21.1 Complete Applications

For the purposes of this Code, a complete application includes all documentation required by this Code, other relevant laws and ordinances of Coalville City, relevant state and federal laws, and any other information deemed necessary by the Staff or Planning Commission to complete a thorough review of the proposed project. At the Concept Plan meeting with the Planning Commission, the applicant will be informed of any information required in order to deem the application complete. Upon receipt of the information required by this Code and any additional information required by the Staff or Planning Commission, the application will be deemed complete. No application will be deemed complete prior to the Concept Plan meeting with the Planning Commission. An applicant may not appeal the need to provide information required by this Code or any other City ordinance, or any state or federal law. However, any applicant may appeal the need to provide any additional information requested by the Planning Commission to the City Council on the next available meeting of the Council with adequate time to fully discuss the matter.

Non-zoning related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

1.21.2 Exceptions

Applicants shall not be entitled to review and approval of applications pursuant to the terms of this Code when revisions to this Code are pending that would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

1.22 Non-conforming Uses

Structures built prior to the adoption of this ordinance, or for which building permits were issued and on which work commenced as required under the permit shall, to the extent they do not conform to this ordinance, be considered as nonconforming uses, and shall not be affected hereby. Uses that were nonconforming under the old enactments shall not be affected by this Code, unless this Code is changed in a manner that makes the use conforming to the new code or zone.

1.22.1 Non-conforming Use Defined

As used in this Code, a non-conforming use is the use of any building, structure, or land that is prohibited by any zoning, building, or other regulatory ordinances, but that lawfully existed prior to the effective date of such ordinance. No lot, parcel of land, or interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part so as to create a new non-conforming use, structure, or lot/parcel. No building permit will be issued for any lot, parcel, or structure which has been transferred, conveyed, sold, subdivided or acquired in violation of this Code.

1.22.2 Non-conforming Use of Open Land

A nonconforming use of land lawfully existing on the effective date of this Code may be continued provided such nonconforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations, or enlargements thereto shall be made thereon, except those required by law. If said non-conforming use is discontinued for a continuous period of more than one (1) year, any future use of such land shall conform to the provisions of the zone district in which it is located.

1.22.3 Non-conforming Buildings

A nonconforming building in any zone district may be continued provided no additions or enlargements are made thereto and no structural alterations are made therein, except as allowed by a Conditional Use Approval.

Subject to the provisions of this Code, a Conditional Use Approval may be granted to allow the expansion of a building that does not conform to height, lot coverage setbacks or area requirements if all of the following standards can be met:

1. That granting the expansion will not adversely impact the attainment of the General Plan Goals, Objectives, and Policies.
2. That the expansion will improve the general appearance or safety of the building.

3. That by expanding the building, the character of the neighborhood is not adversely impacted.
4. That the expansion will improve the area by providing adequate parking.
5. That any expansion will be adequately screened or buffered, if needed, so as not to increase impacts to the adjoining properties.

If a nonconforming building is removed, the future use of the land on which the building was located shall conform to the provisions of this Code.

1.22.4 Non-conforming Use of Conforming Buildings

The nonconforming use of any conforming building lawfully existing on the effective date of this Code may be continued provided such nonconforming use shall not be expanded or extended into any other portion of the conforming building nor shall any structural alterations except those required by law be made. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of such building shall conform to the provisions of the zone in which it is located.

Subject to the provisions of this Code, a Conditional Use Approval may be granted to allow the non-conforming use of a conforming building or structure to be expanded if all of the following standards can be met:

1. The expansion of the use will not adversely impact the surrounding properties.
2. The proposed expansion is compatible with the surrounding uses.
3. The site of the proposed expansion conforms to all site development requirements physically possible, given existing site limitations.
4. The proposed expansion shall not create new non-conforming uses.
5. No expansion of a nonconforming use will be allowed that would extend beyond the original building.

1.22.5 Non-conforming Use of Non-conforming Buildings

The nonconforming use of a nonconforming building lawfully existing on the effective date of this Code may be continued for the period prescribed in this Section and may be expanded or extended throughout such building provided no structural alterations except those required by law are made therein. If no structural alterations are made or required, a nonconforming use of a nonconforming building may be changed to another use of the same or more restrictive classification. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of the building shall conform to the provisions of this Code, the zone district in which it is located and all other laws and ordinances of the City.

1.22.6 Change in Status of Non-conforming Use

If a nonconforming use is vacated, it may be succeeded by an equally restrictive or more restrictive nonconforming use provided such change is effected within one (1) year. After a change to a more restrictive use is in effect, that change shall be evidence that the less restrictive nonconforming use has been abandoned and thereupon loses any vested right as such. The degree of non-conformity may not subsequently be increased by changing back to a less restrictive use.

1.22.7 Reconstruction of Non-conforming Building Destroyed

A non-conforming building destroyed to the extent of not more than fifty (50) percent of its reasonable replacement value at the time of its destruction by fire, explosion, or other casualty or

act of nature or public enemy, may be restored and the occupancy or use of such building or part thereof that existed at the time of such partial destruction may be continued subject to all of the provisions of this Code. The building shall be repaired within one (1) year from the date of loss.

A building that is destroyed to the extent of more than fifty (50) percent shall not be reconstructed except in conformance with the provisions of this Code.

1.22.8 Non-Conforming Lots of Record

A parcel or lot that was lawfully created prior to the effective date of the original Coalville City Development Code (January 8, 1994), and does not conform to the minimum area per dwelling unit requirements of the zone district in which it is located, is entitled to one (1) but not more than one (1) dwelling unit thereon.

1.23 Repealer, Savings Clause and Continuation of Prior Ordinances

1.23.1 The Coalville City Development Ordinance and Subdivision Ordinance

The Coalville City Development and Subdivision Ordinances are hereby amended and re-codified in entirety to read as herein provided by this Development Code.

1.23.2 Continuation of Prior Ordinances

The amendment of all zoning, subdivision and development ordinances previously enacted by Coalville City shall not:

1. Affect suits pending or rights of the City existing immediately prior to the effective date of this Code.
2. Impair, void, or affect any grant or conveyance made or right acquired or cause of action as of the effective date of this Code or now existing.

1.23.3 Continuation of Similar Provisions

The provisions of this Code insofar as they are the same or substantially the same as any prior ordinance shall be construed as a continuation of the prior ordinance.

1.23.4 Severability

If any phrase, clause, sentence, paragraph, or section of this Code shall be declared unlawful by any court of competent jurisdiction, it shall be severed and such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

1.23.5 Effective Date

This Ordinance, The Coalville City Development Code shall become effective August 1, 1997 or as amended.

1.24 Conflicts Within This Code

Every effort is made by the City to insure that this Code is readable, understandable, and contains as few defects as possible. If however, any conflicts, defects, inconsistencies or ambiguities are found within different sections or chapters of this Code, the Planning Commission shall follow the section or wording that is more restrictive, stringent or of a higher standard as defined or interpreted by the Staff and Planning Commission.

The Planning Commission shall then make every effort to amend this Code to further clarify or repair the defect, conflict, inconsistency or ambiguity.

1.25 Annexations

All annexations shall be consistent with the Coalville City Annexation Policy Declaration. Upon receiving a petition for annexation, the City will take action in accordance with the relevant sections of the Utah Code.

1.26 Determination as to the Classification of Uses

Determination as to the classification of uses not specifically listed as part of the zone districts permitted and conditional uses in Chapter 5 shall be made by the Planning Commission. The procedure shall be as follows:

- 1.26.1** A written request for such determination shall be filed with the Community Development Director. The request shall include a detailed description of the proposed use and such other information as may be required. The request shall be scheduled at a regularly scheduled meeting of the Planning Commission.
- 1.26.2** The Planning Commission shall compare the nature and characteristics of the proposed use with those of uses specifically listed for the zone district and make a determination of the classification of the proposed use. A determination regarding the proposed use shall indicate the zone district the use may be allowed, conditional or prohibited. When the use is determined to be an allowed or conditional use, the Planning Commission shall include findings, which establish that such use is of the same character as other allowed or conditional uses in the zone district.
- 1.26.3** Any person shall have the right to appeal the decision of the Planning Commission to the Board of Adjustment by filing an appeal with the City Recorder within fifteen (15) days of the Planning Commission's action. The appeal shall state the reasons for the appeal and request a hearing before the Board of Adjustment at a regularly scheduled meeting.
- 1.26.4** The determination and all information pertaining thereto shall become a permanent public record in the office of the City. Once approved, the use shall thereafter become an allowed or conditional use in the zone district(s) specified in the determination.

Chapter 2

DEFINITIONS

2.0 Definition Usage

For the purpose of this Code, terms and words used herein shall be used, interpreted, and defined as set forth in this Chapter. Where definitions are given in another chapter or section of this Code that apply to only that section or chapter, those definitions shall apply first.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; the word “Code” means “this Code”.

A “person” includes a group of people, a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

2.0.1 Access

The provision of vehicular and/or pedestrian ingress and egress to building lots, structures or facilities.

2.0.2 Accessory Building

A building or structure upon the same lot as the primary building and that is (1) clearly incidental to and customarily found in connection with such primary building or use and (2) is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot with the primary use.

2.0.3 Accessory Use

A use conducted on the same lot as the primary use or structure with which it is associated; and is a use that is clearly incidental to and is customarily found in connection with such primary use; and is either in the same ownership as such primary use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the primary use. No accessory use shall be allowed on any lot or parcel unless the permitted primary use is being actively engaged.

2.0.4 Administrative Permit

A permit issued by the Community Development Director for specified uses after compliance with applicable development code regulations.

2.0.5 Agriculture

The tilling of the soil, raising of crops and animals, foraging and grazing, for private or commercial agricultural purposes. Agriculture does not include any agricultural industry or business such as logging, animal hospitals, recreational activities not normally associated with farming and ranching or similar uses.

2.0.6 Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

2.0.7 Animal Specialties

The raising of exotic animals, reptiles or fowl as an agricultural commercial business or hobby, which is not customarily associated with the historic and traditional agricultural uses and activities of Coalville City.

2.0.8 Antenna Structures

A device for sending and/or receiving radio, television, data or similar communication signals including associated equipment, buildings and appurtenances.

2.0.9 Apartment

A multiple dwelling; see Dwelling, Multi-Family.

2.0.10 Applicant

The owner or representative of land proposed to be subdivided or developed or any other person who submits an official application form for development approval. Consent shall be required from the legal owner of the premises.

2.0.11 Application

A form or checklist supplied by the City indicating the data and information necessary to process the applicants proposed project(s).

2.0.12 Arterial

A road intended to allow through traffic to and from such major activity centers such as central business districts, regional shopping centers, major industrial areas, and similar traffic generators and/or as a route for traffic between communities.

2.0.13 Attached Building

Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance for all unit(s). This shall apply to commercial as well as residential units.

2.0.14 Balcony

A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

2.0.15 Bed and Breakfast Inns

A dwelling, including those dwellings of historical significance, in which two (2) to eight (8) rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

2.0.16 Block

A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad or utility rights-of-way, shore lines of water ways, or boundary lines of municipalities.

2.0.17 Boarding House

A building other than a hotel, motel, cafe or restaurant with two (2) or more bedrooms where for direct or indirect compensation, lodging and/or kitchen facilities or meals are provided for boarders and/or roomers associated with the primary use of the property such as an equestrian center or recreational facility.

2.0.18 Building

Any structure built for the support, shelter, or enclosure of persons, animals, equipment, or other personal property of any kind.

2.0.19 Building, Area

The area of a building including exterior walls and basement. Unenclosed porches, balconies, patios and decks are not considered building area.

2.0.20 Building, Attached

(See Attached Building.)

2.0.21 Building, Detached

Any building or structure separated from another building on the same lot by at least six (6) feet.

2.0.22 Building, Primary

The principal building, or one of the principal buildings on a lot, or the building housing a principal use upon a lot or parcel.

2.0.23 Building, Public

Structures constructed by or intended for use by the general public such as libraries, museums, municipal or public works buildings, etc.

2.0.24 Building Inspector or Official

The person designated by the City to review building permit applications, enforce the Building Code and conduct inspections of building construction.

2.0.25 Building Pad

The building pad denotes that area in which the proposed new structure(s) must be located. The area of construction disturbance attributable to the structure(s) (as opposed to utilities installation) may not extend beyond ten (10) feet from the building pad line.

2.0.26 Business Offices

Any site or location that provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

2.0.27 Canopy

A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

2.0.28 Capital Improvements Program

A proposed schedule of all new, replacement or upgrade of public capital facility projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

2.0.29 Child Care Center

A facility in which the provision of Child Day Care for nine (9) or more children occurs on a regular basis.

2.0.30 Child Day Care

The provision (day or night) of supplemental parental care, instruction and supervision, for up to eight (8) children, (1) for a non-related child or children; (2) on a regular basis; and (3) for less than 24 hours a day. As used in this Code, the term is not intended to include baby-sitting services of a casual, non recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child-care by a group of parents in their respective domiciles.

2.0.31 City

Coalville City, Utah.

2.0.32 City Attorney

The licensed attorney designated by the City to furnish legal assistance for the administration of these and other regulations.

2.0.33 City Council

The Coalville City Council.

2.0.34 City Engineer

The State of Utah licensed engineer designated by the City to furnish engineering assistance for the administration of these and other regulations.

2.0.35 City Staff

The employees and outside consultants of the City including the Public Works Director, Community Development Director, Building Inspector or Official, City Engineer and City Attorney charged with the duties of performing the administrative functions under this Code. All City Staff functions are under the direction of the Mayor and City Council.

2.0.36 Collector Roads

A road intended to move traffic from local roads to arterial roads. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties front onto it.

2.0.37 Common Open Space

Facilities, land and yard areas identified within projects for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of that project.

2.0.38 Community Development Director

The Director of Community Development, with overall administrative responsibility of the Planning, Building, and Engineering functions of this Code, under the direction of the Mayor and City Council.

2.0.39 Concept Plan

A plan indicating the proposed use and layout of a development project. Concept Plans do not require approval but must be completed for review and discussion prior to preparation of a Preliminary Plan or Final Plat.

2.0.40 Conditional Use

A use requiring special consideration and review in the manner set forth in Section 1.14 of this Code.

2.0.41 Condominium

Any structure that has been converted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, nonresidential, and any other space.

2.0.42 Construction Documents

The maps, drawings and documentation accompanying a final subdivision plat or site plan showing the specific location, design and construction of improvements to be installed in accordance with the development and engineering standards of the City.

2.0.43 Coverage

Lot area covered by a building or other impervious surfaces such as parking areas, driveways or sidewalks.

2.0.44 Cul-de-sac

A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as fire fighting and other public safety vehicles.

2.0.45 Developer

The person, persons, corporation, firm, entity or partnership owning the land proposed to be developed in any way, or a designated legal representative. Consent shall be required from the legal owner of the property.

2.0.46 Development/Development Activity

Any of the following activities requiring City approval pursuant to this Code:

1. Change in use of a building, structure, or land;
2. Construction, clearing, filling, excavating, grading, paving, dredging, mining drilling or otherwise significantly disturbing the soil of a site;
3. Building, installing, enlarging, replacing, or substantially restoring a structure or impervious surface;
4. Erection of a sign;

5. Alteration of a historic property for which authorization is required under this Code;
6. Any activity increasing the demand or need for additional public services or facilities, parking or generates additional traffic;
7. Construction, elimination or alteration of a driveway within a public road right-of-way.

2.0.47 Driveway

A means of access to one (1) but not more than three (3) single family dwellings; otherwise the driveway shall be classified as a road.

2.0.48 Dude/Guest Ranch

An equestrian or recreational facility operating as a commercial business use, which includes the short-term stay of guests or participants.

2.0.49 Dwelling

A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

2.0.50 Dwelling, Accessory

An area within or attached to a single family dwelling or above an accessory garage, or as a separate dwelling for the private use of the property owner's relatives, domestic help, house guests or similar users. These quarters shall be subordinate to the primary dwelling and shall not exceed 1,000 square feet or 2/3 the size of the primary dwelling whichever is less. Accessory dwellings shall use the same utility meter as the primary dwelling. Only one (1) accessory dwelling unit per detached primary single family dwelling will be allowed. The accessory dwelling unit may be separately rented or leased.

2.0.51 Dwelling, Multi-Family

A building arranged or designed to be occupied by three or more families living independently of each other in separate but attached dwellings.

2.0.52 Dwelling, Single Family Detached

A building arranged or designed to be occupied by only one family; a structure having only one dwelling unit, including mobile homes on permanent foundations and manufactured homes.

2.0.53 Dwelling, Two Family

A building containing two (2) dwelling units sharing one or more vertical and no horizontal common walls. Each of which is designed for and used as a dwelling unit exclusively by one (1) family and its guests. It may also be referred to as a duplex.

2.0.54 Easement

Authorization by a property owner for the use by another and for a specified purpose of any designated part of the property.

2.0.55 Escrow

A deposit of cash with the City or approved alternate entity in lieu of an amount required on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

2.0.56 Family

An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons who are not related, occupying the same dwelling unit and maintaining a common household.

2.0.57 Fence

A structure constructed for reasons of privacy, security, or aesthetics that is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring or opaque.

2.0.58 Final Approval

Final approval by the City Council, Board of Adjustment or Planning Commission of a development plan, plat, project, rezoning, use, activity, or other action that shall be given after all the requirements set forth in the Code have been met and after all concerns of the reviewing agency regarding such plan, plat, project, rezoning, use, activity, or other action have been addressed and answered.

2.0.59 Final Plat/Site Plan

The final map, plat, plan or record of a subdivision, commercial or industrial project, with any accompanying information as described in these regulations.

2.0.60 Flood Plain Area

An area adjacent to a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any area designated as a flood plain by the Department of Housing and Urban Development or the Federal Emergency Management Agency or any other agency of the United States Government or State and Local Government Agencies, including Coalville City.

2.0.61 Floor Area

The area of a building that is enclosed by surrounding exterior walls. It is the intent of this definition to include lower levels into the floor area calculation that are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. Garages, unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Building Code.

2.0.62 Floor Area Ratio

The floor area of a building as defined in this Chapter, divided by the total area of the lot or parcel on which the building is situated.

2.0.63 Frontage

That side of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot.

2.0.64 Frontage Block

All property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line.

2.0.65 Frontage Street

Any street to be constructed by the developer or any existing street in which development shall take place on one or both sides.

2.0.66 Garage, Private

A detached accessory building or a portion of a primary building used for the storage of motor vehicles for the tenants or occupants and not by the general public.

2.0.67 Garage, Public

A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling or storing motor vehicles.

2.0.68 General Plan

A Comprehensive Plan for the City, prepared and adopted by the Planning Commission and City Council, pursuant to State law, and including land use planning and development goals, objectives and policies.

2.0.69 Geologic Hazard

A hazard inherent in the crust of the earth, or artificially created, that is dangerous or potentially dangerous to life, property or improvements due to the movement, failure, flooding, or shifting of the earth.

2.0.70 Governing Body

The governing or legislative body of the City (Coalville City Council) having the power to adopt, amend or rescind ordinances, including this Code.

2.0.71 Grade

The slope of a private driveway, road, street, or parking lot, specified in percentage terms and calculated by dividing the difference in elevation change by the horizontal distance between two points.

2.0.72 Grade, Natural

Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior

modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's undisturbed grade.

2.0.73 Guarantee

Any form of security including a letter of credit, escrow agreement, bond or instrument of credit in an amount and form satisfactory to the City Council. All guarantees shall be approved by the City Council wherever required by these regulations.

2.0.74 Guest House

An accessory dwelling unit intended for the inhabitation by non-rent paying guests. Includes separate cooking and sleeping quarters and is maintained and owned by the primary residence.

2.0.75 Hard-surfaced

A land surface covered with concrete, asphalt or other impervious material.

2.0.76 Health Department and Health Officer

The agency and person designated by the City Council to administer the health regulations of the City. This may be the Summit County Health Department and Director or the applicable Department of Health and Director of the State of Utah.

2.0.77 Height, Building

The vertical distance from natural undisturbed grade to the highest point of a flat roof or the ridge of a hip or gable roof or to the deck line of a mansard roof. The building height measurement shall occur at any point within the building plane where height occurs.

2.0.78 Highway, Limited Access

A freeway or expressway providing a traffic way for through traffic to which owners or occupants of abutting property and other persons have no legal right to access to or from the same; except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.

2.0.79 Home Occupation

An occupation or profession which may be conducted within a dwelling unit or on the premises thereof, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

2.0.80 Hotel/Motel

A building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels or motels. This does not include lock-out units or boarding houses.

2.0.81 Hotel/Motel Room

A unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

2.0.82 Impact Analysis

A determination of the potential impact of a proposed residential, commercial, or industrial development upon the environment, community and public services.

2.0.83 Improvements

See Lot Improvements or Public Improvements.

2.0.84 Joint Ownership

The ownership among persons construed as the same owner or "constructive ownership" for the purpose of imposing development regulations.

2.0.85 Kitchen

A room or space within a room equipped with such electrical or gas hook-up services that would enable the installation of a range, oven, or like appliance for the storage and preparation of food.

2.0.86 Limits of Disturbance Line

A boundary line(s) on a final site plan or subdivision plat indicating the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of the disturbance line(s) as indicated unless amended as per this Code.

2.0.87 Local Government

Coalville City, Utah.

2.0.88 Local Government Attorney

See City Attorney.

2.0.89 Local Government Engineer

See City Engineer.

2.0.90 Local Road

A road intended to provide access to other roads from individual lots or parcels and/or to provide a right-of-way for sewer, water, and storm drainage pipes and all other public and private utilities.

2.0.91 Lot

A parcel or unit of land describable either by metes and bounds, or by other legal plat designation, held or intended to be held in separate ownership or leasehold. A parcel or unit of land shown as a lot on a recorded subdivision plat, used in the lease, sale or offer of lease or sale, of land resulting from the division of a larger tract into smaller units. A lot may not necessarily be buildable.

2.0.92 Lot, Corner (Corner Lot)

A lot situated at the intersection of two streets with the interior angle of such intersection not exceeding 135 degrees.

2.0.93 Lot Depth

The minimum distance measured from the front property line to the rear of same property boundary.

2.0.94 Lot Improvement

Any building, construction, paving, landscaping, work of art, or other improvement of the land constituting a physical betterment of real property. Certain lot improvements shall be guaranteed as provided for in these regulations.

2.0.95 Lot Line, Front

The property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel that borders a public or private street right-of-way. See the Supplementary Regulation Chapter 3 for specific setbacks on unusual lots.

2.0.96 Lot Line, Rear

The property line opposite the front lot line.

2.0.97 Lot Line, Side

Any lot line other than a front or rear lot line.

2.0.98 Lot Width

The minimum distance between the side property lines.

2.0.99 Lot of Record

A parcel or lot that was lawfully created prior to the effective date of the original Coalville City Development Code (January 8, 1994).

2.0.100 Major Road

Main Street north and south to the City limits and Chalk Creek and Border Station Roads east to the City limits.

2.0.101 Master Street Plan

A master street plan which identifies future access points, arterial, collector and local street classifications, current and proposed traffic volumes and projections of needs for future growth.

2.0.102 Master Plan

See General Plan.

2.0.103 Master Planned Development

A development reviewed under the Master Planned Development processes described in this Code.

2.0.104 Model Home

A dwelling unit used initially for display purposes that typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission and City Council, by permitting a portion of a major subdivision involving no more than three (3) lots to be created according to the procedures for minor subdivisions, as set forth in this Code.

2.0.105 Municipality

Coalville City, Utah.

2.0.106 Neighborhood Park and Recreation Improvement Fund

A special fund that may be established by the City Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations to develop land within reasonable proximity of the property to be subdivided so as to be of local use to the future residents of the subdivision(s).

2.0.107 Nightly Rental

The rental of a room, apartment, house or lockout unit for a time period of less than thirty (30) days.

2.0.108 Non-conforming Use

The use of a building, structure, or land that does not conform to current use regulations for the zone district in which it is located, but that was in conformity with prior regulations at the time of its establishment, or that was in existence prior to the establishment of use regulations for the zone district in which it is located.

2.0.109 Non-Residential Subdivision

A subdivision whose intended use is other than residential, such as agricultural, commercial or industrial. Such subdivision shall comply with the applicable provisions of the City General Plan and the requirements of this Development Code.

2.0.110 Nursery, Greenhouse

A place or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

2.0.111 Nursing Home

An institution described also as a "rest home" or "convalescent home", other than a hospital in which persons are lodged and furnished with care rather than diagnoses or treatment.

2.0.112 Off-site

Any premises not located within the area of the property to be developed, whether or not in the same ownership of the applicant for development approval.

2.0.113 Official Zoning Map

The map established by the City Council pursuant to law showing the zoning districts, adopted and established by law.

2.0.114 Official Master Plan

See General Plan.

2.0.115 One Bedroom Apartment

A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

2.0.116 Open Space

Land area that is unoccupied or unobstructed by any above-ground buildings or real property so designated as open space. All forms of open space are referred to collectively as "open space" in this Code. Any of these forms of open space could be publicly or privately owned or controlled. They shall include:

2.0.116a Open Space, Agricultural

Open lands left undisturbed or dedicated primarily as usable agricultural lands for farming and ranching purposes and intended for use by residents of the development, neighborhood or community.

2.0.116b Open Space, Natural

Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over thirty (30) percent, wetlands, stream corridors, trail linkages, visual linkages, or view sheds. These areas may be subject to an open space conservation easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission and City Council.

2.0.117 Ordinance

Any legislative action of the Coalville City Council that has the force of law, including any amendment or repeal of any ordinance.

2.0.118 Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land proposed to be developed or subdivided under these regulations.

2.0.119 Parking, Public

A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be assessed.

2.0.120 Parking Lot, Commercial

A lot used for the temporary parking of automobiles for compensation.

2.0.121 Parking Lot, Private

A lot used for the temporary parking of automobiles for exclusive use(s) with or without compensation.

2.0.122 Parking Space

A 9' x 18' area maintained for the parking of an automobile or other vehicle, that is graded for proper drainage and is hard surfaced or porous paved where specially permitted.

2.0.123 Parking Structure

A fully enclosed structure designed and intended for parking of more than four (4) vehicles.

2.0.124 Perimeter Street

Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

2.0.125 Permitted Use

A use of land or a building allowed by right under the provisions of this Code.

2.0.126 Planning Commission

The Coalville City Planning Commission.

2.0.127 Plat Amendment

A change in a map or plat of an approved or recorded subdivision affecting any street layout or area reserved thereon for public use or any lot line.

2.0.128 Porous Paving

A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers that provide at least fifty (50) percent surface exposure suitable for the establishment and growth of plant materials and that substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

2.0.129 Preliminary Plan

The preliminary drawing or drawings, described in this Code, indicating the proposed manner or layout of the development to be submitted to the Planning Commission and City Council for approval.

2.0.130 Primary Use

The principle use for which the premises, land or a building therein is designed, arranged, or intended, or for which it is or may be occupied or maintained.

2.0.131 Professional Office

A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

2.0.132 Property Line, Front

The part of a lot that abuts a public or private street or public right-of-way.

2.0.133 Public Improvement

Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which City responsibility is established. All such improvements shall be properly guaranteed and installed as per City codes, specifications and regulations.

2.0.134 Public Use

A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, recreational facilities, administrative offices, service facilities, and public utilities.

2.0.135 Quasi-Public Use

A use operated by a private nonprofit educational, religious, recreational, or charitable institution. Such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

2.0.136 Recreation, Facilities

Recreation facilities such as parks and areas of active recreation use, including neighborhood community centers or clubhouses, swimming pools, golf courses, tennis courts, equestrian centers, skating rinks, playgrounds, campgrounds, and similar uses as well as support facilities customarily associated with the recreational facility.

2.0.137 Recreation, Private

Recreation facilities operated on private property and not open to the public.

2.0.138 Recreation, Public

Recreation facilities operated by a public agency and open to the public with or without a fee.

2.0.139 Registered Engineer

An engineer properly licensed and registered in the State of Utah.

2.0.140 Registered Land Surveyor

A land surveyor properly licensed and registered in the State of Utah.

2.0.141 Restaurant

A building in which food is prepared and served for consumption on the premises.

2.0.142 Restaurant, Drive-In

A building in which food is prepared and served for consumption on the premises and includes a drive-in facility which allows food to be ordered and taken from the premises for consumption elsewhere.

2.0.143 Re-subdivision

See - Plat Amendment.

2.0.144 Ridgeline.

An area including the crest of a hill or slope which is a prominent topographic feature as viewed from major highway corridors including, but not limited to, Interstate 80, Main Street and Chalk Creek Road.

2.0.145 Right-of-Way

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

2.0.146 Roads, Classification

For the purpose of providing for the development of the streets, highways, roads, and rights-of-way for future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks and drainage. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified on the Streets Master Plan.

2.0.147 Road, Dead End

A road or a portion of a street with only one vehicular traffic outlet.

2.0.148 Road, Major

That portion of I-80 within Coalville City limits and all of Main Street and Chalk Creek Road within the City limits.

2.0.149 Road Right-of-Way Width

The distance between property lines measured at right angles to the center line of the street.

2.0.150 Sale or Lease

Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a development or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

2.0.151 Same Ownership

Ownership by the same person or persons, corporation or corporations, firm or firms, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of a family owning interest in each corporation, firm, partnership, entity, or unincorporated association.

2.0.152 Satellite Receiving Station

Any apparatus or device that is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrial and/or orbital based units. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae or ham radio antennae.

2.0.153 Setback

The distance between a building or structure and the street or road right-of-way line, or nearest property line thereto with the exceptions provided for in Sections 3.14, 3.15 and 3.16 herein. A front setback is required for each side of a lot bordering a public or private street right-of-way.

2.0.154 Signs

Any copy, words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate or identify a

firm, association, corporation, profession, business, goods or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, that is visible from any public street, highway, trail, public right-of-way or easement. For the purpose of this Code, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

2.0.155 Site Development Standards

Established regulations for lot areas, yard setbacks, building height, lot coverage, open space, and any other special regulations deemed necessary to accomplish the goals and purposes of the General Plan and this Code.

2.0.156 Street, Public

A street or road that has been dedicated to the City and accepted by the City Council. A street or road that the City has acquired by prescriptive right or that has been dedicated or made public by right of use and which affords access to abutting property. Any street or road shown on the Street Master Plan as a public street.

2.0.157 Structure

Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and that imposes an impervious material on or above the ground; definition includes "building".

2.0.158 Studio Apartment

A dwelling unit of not more than one thousand (1000) square feet combined floor area consisting of a single room equipped for cooking, living, and sleeping having a separate bathroom and kitchen for the exclusive use of that apartment.

2.0.159 Subdivider

Any person, group of persons, corporation or corporations, firm or firms, or other entity who having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; engages directly or indirectly through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development of a subdivision.

2.0.160 Subdivision

Any land, vacant or improved, that is divided or proposed to be divided into two (2) or more lots, parcels, site, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

2.0.161 Subdivision Agent

Any person who represents, or acts for or on behalf of, a subdivider or developer in selling, leasing, developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or subdivision plat, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

2.0.162 Subdivision, Minor

Any subdivision of property resulting in up to, but not more than three (3) lots or parcels.

2.0.163 Subdivision Plat

A map or drawing described in this Code, on which the subdivider's plan of a subdivision is presented to the Planning Commission and City Council for approval and that, if approved, may be submitted to the Summit County Recorder for filing at the subdivider's expense.

2.0.164 Support Commercial Uses

Those commercial uses that are associated with a Master Planned Development for the purpose of serving the needs of the residents or users of that development, and not the general public. Examples of support commercial uses include barber shops, beauty salons, travel agencies, clothing stores, gift shops,

convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops, or other hotel lobby type uses. No use occupying more than two thousand (2,000) gross square feet of floor area will be considered as a support commercial use.

2.0.165 Tandem Parking

Parking designs that necessitate parking one vehicle behind another. Such parking may not include more than two (2) cars in depth and may not require occupants of separate dwellings to park behind one another.

2.0.166 Temporary Improvement

Improvements built and maintained by a developer during construction of a development and prior to release of the performance guarantee.

2.0.167 Use, Intensity

The maximum number of residential units, commercial space, or industrial space within a specified land area designated for that purpose.

2.0.168 Use, Main

See Primary Use.

2.0.169 Yard

A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein. Yard areas for below grade structures must be provided unless a variance is obtained.

2.0.170 Yard, Front

A required space between the front line of a building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of a building.

2.0.171 Yard, Rear

A required space between the rear line of a building and the rear lot line, or closer public street and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of a building.

2.0.172 Yard, Side

A required space between the side line of a building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard is the minimum distance between the side lot line and the side line of a building.

Chapter 3

SUPPLEMENTARY PROVISIONS

The regulations set forth in this Chapter qualify or supplement, as the case may be, this Development Code and regulations appearing elsewhere in this Code.

Contents of this chapter

3.1 Purpose	3-2
3.2 Substandard Lots	3-2
3.3 Reduced Site Requirements	3-2
3.4 Lot Standards	3-2
3.5 Sale or Lease of Required Space	3-2
3.6 Sale of Lots Below Minimum Space Requirements	3-2
3.7 Fences, Walls and Hedges	3-2
3.8 Frontage Protection, Safety, and Major Road Access	3-3
3.9 Clear View of Intersecting Streets	3-4
3.10 Public Utility Structures	3-4
3.11 Zero Side Yard Requirements	3-4
3.12 Home Occupations	3-4
3.13 Condominium Conversion	3-5
3.14 Side Yard Exceptions	3-5
3.15 Rear Yard Exceptions	3-6
3.16 Front Yard Exceptions	3-6
3.17 Height Provisions	3-7
3.18 Accessory Dwellings	3-7
3.19 Regulation of the Placement of Satellite Receiving Antennas	3-7
3.20 Low Power Radio and Cellular Towers	3-9
3.21 Setback Requirements for Unusual Lot Configurations	3-12
3.22 Sensitive Lands Review	3-12
3.23 Liquor Stores and Private Clubs	3-12
3.24 Day Care Services (Including Preschools)	3-12
3.25 Temporary Uses	3-13
3.26 Commercial Recreational Vehicle Parks or Camp Grounds	3-15
3.27 Off-Street Parking	3-16
3.28 Signs and Outdoor Advertising	3-19
3.29 Design Review	3-28
3.30 Technical Review	3-30
3.31 Right to Farm Provisions	3-30
3.32 Adult/Sex Oriented Facilities and Businesses	3-31
3.33 Outdoor Lighting	3-42
Table 3.27.12 Parking Requirements per Use	3-18

3.1 Purpose

The regulations set forth in this chapter qualify or supplement the regulations appearing elsewhere in this Code.

3.2 Substandard Lots

Nothing in this Code shall be construed as preventing the division of approved and platted duplex lots into separate ownership under the terms of either a condominium ownership structure, a planned unit development ownership structure, or a party-wall agreement. No new lots may be platted or created by deeds which do not comply with the requirements established for that zone.

3.3 Reduced Site Requirements

Any lot under separate ownership of record prior to the adoption of the original Coalville City Development Code (January 8, 1994) which has dimensions which would prevent building because of the front yard, rear yard, and side yard setback required by the zone in which the lot is located, and any lot which has been approved by the City prior to the effective date of this Code which would prevent building because of the front yard, rear yard, and side yard setbacks required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Building Code for development or construction on or near lot lines must still be met.

This section is not intended to conflict with Subsection 3.9 nor shall it be interpreted as taking precedence over the requirements of Subsection 3.9.

3.4 Lot Standards

Except as otherwise provided in this Code, no building permit shall be issued for a dwelling on a lot unless the lot has the area, width, and depth required by the regulations for the zone in which it is located, and frontage on a street shown as a City street on the streets master plan, land use map, official zoning map or on private easements connecting the lot to a street as shown on the above mentioned plans or maps.

3.5 Sale or Lease of Required Space

No space needed to meet the width, yard area, coverage, parking, or other requirements of this Code for lot or building requirements may be sold or leased away from such lot or building.

3.6 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the zone district in which it is located may be created from a larger parcel of land for the purpose, whether immediate or future, of sale, building or development as a lot unless approved according to the requirements of this Code.

3.7 Fences, Walls and Hedges

3.7.1 Clear View Area

No fence, wall, hedge or similar structure in excess of four (4) feet height which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed on a corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the point of intersection of the street right-of-way lines.

Street trees and other landscape materials are permitted within the clear vision area provided they are pruned and trimmed so as to not obstruct the clear view of motor vehicle drivers.

3.7.2 Fences, Walls, Hedges, and Similar Structures in a Front Setback

No fence, wall, hedge, or similar structure extending into or enclosing all or part of the front yard setback area adjacent to a street shall be constructed or maintained at a height greater than four (4) feet. All fences, walls, hedges, or similar structures shall be setback at least one (1) foot from the property line along a sidewalk or public street right-of-way.

3.7.3 Fences, Walls, Hedges, and Similar Structures in a Side Yard Setback, Corner Lot

No fence, wall, hedge, or similar structure shall be constructed in the side yard setback of a corner lot exceeding four (4) feet in height adjacent to a street unless the following conditions are met:

1. No portion of the fence, wall, hedge, or similar structure shall be located closer than twenty (20) feet to the property line adjacent to the street, and shall not extend into the front setback area or the clear vision area of the lot as defined in Section 3.7.1.
2. The fence, hedge, wall, or structure shall not exceed six (6) feet in height.
3. Placement of the fence, wall, hedge, or similar structure in the location proposed shall not result in the establishment of a hazardous condition.

All fences, walls, hedges or similar structures shall be setback at least one (1) foot from the property line along a sidewalk or public street right-of-way.

3.7.4 Materials

All fences, walls, and similar structures should be constructed of natural or natural appearing materials, if possible, and the design and construction shall be consistent with the quality of buildings and other improvements within the surrounding area. Any chain link fencing along Main Street north and south and 100 South from the I-80 Interchange to Main Street or is located within a view corridor as determined by the Staff or Planning Commission shall be black vinyl coated.

3.7.5 Determination and Appeals

If, in the opinion of the Staff or Planning Commission a proposed fence, wall, hedge, or similar structure does not conform to the requirements of this section, the applicant shall be referred to the Board of Adjustment for further action or a written determination. Any applicant aggrieved by a decision of the Staff or Planning Commission may appeal the decision to the Board of Adjustment who shall have authority to reverse, affirm or modify any decision of the Staff or Planning Commission.

3.7.6 Exceptions and Fences in Other Locations

Fences or walls placed around utility buildings for security reasons may be any height deemed necessary by the Staff or Planning Commission to adequately protect the facility. Fences, walls, and hedges constructed in areas not expressly prohibited may be freely erected provided that no fence shall be higher than six feet, unless the applicant receives a Conditional Use Approval.

3.8 Frontage Protection, Safety, and Major Road Access

The frontage along one or both sides of all State, County and Major City Roads are subject to special review for protection of right-of-way and safety of access by roads and driveways. These areas, when designated by the Planning Commission, are shown on the Master Street Plan map. Any building or development proposal along these sections of roads is subject to special review by the Planning Commission. The review in these designated areas shall include the following factors:

3.8.1 Consolidated Access

To the extent possible, to minimize access points and driveways on the highways, access shall be from existing streets that join with major roads rather than direct access.

3.8.2 Public Safety

Access points along major roads shall be reviewed for public safety of ingress and egress on intersections, pedestrian safety, safety of winter access on steep grades and possible flooding and erosion hazards.

3.8.3 Pathways, View Corridors and Future Improvements

The City shall review proposals for pedestrian and bicycling pathways through the frontage, open space, buffered areas, and preservation of view corridors where applicable.

3.8.4 Conditional Use along Major Road Frontage

All construction in the area 100 feet from the nearest right-of-way line along a major road is a conditional use and subject to the conditional use review process, including design review, even when the use is permitted elsewhere in the zone.

Regardless of the Zone setbacks in this Code, no structure shall be erected within forty (40) feet of the nearest major road right-of-way line in order to allow for possible future improvements of the major road unless an exception is granted by the Planning Commission and City Council.

3.9 Clear View of Intersecting Streets

In all zones, no obstruction to public or private street views in excess of four (4) feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at the property lines and a line connecting them at points twenty five (25) feet from the intersection of the street right-of-way lines, except a reasonable number of trees pruned to permit automobile drivers an unobstructed view.

3.10 Public Utility Structures

Public utility structures may be permitted on less than the required size lots in any district as approved by the Staff or Planning Commission.

3.11 Zero Side Yard Requirements

In subdivisions or master planned developments, where the arrangement and placement of buildings are fixed, and so designated on the final plat, the Planning Commission may, after careful review, approve the subdivision and/or master planned development, waiving one of the required side yards. These reductions shall only be made to help in the preservation of the open space, common areas, pedestrian walkways or pathways, and common parking lots.

3.12 Home Occupations

A home occupation in Coalville City is a lawful and permitted use if it complies with the definitions and guidelines outlined in this section. If it does not meet these guidelines, it shall be a Conditional Use. Any application for a home occupation may be denied if the Staff or Planning Commission finds the proposed activity to be incompatible with surrounding uses.

Home Occupations must be conducted entirely within a dwelling by persons residing in the dwelling or in an accessory building, which use is clearly incidental and secondary to the residential use of the property and does not change the character thereof. A home occupation shall not include the sale of goods or merchandise directly from the home, except those which are produced on the premises, and shall not involve the use of any yard space or activity outside of the buildings not normally associated with the residential use. No pedestrian, vehicular, or delivery traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.

The use of mechanical equipment shall be limited to small tools that do not generate noise, smoke, or odors perceptible beyond the premises of the dwelling. The use of the dwelling by a physician, dentist, lawyer, architect, engineer or the like is allowed with limited visitation to the residence by patients for emergency treatment or clients to transact business. Tele-commuting in a home satellite office, away from a main office is also permitted. Home occupations may include the care of up to eight (8) children other than members of the family residing in the dwelling or as prescribed by state codes or regulations. Music instruction is also allowed as a home occupation.

In all cases no advertising of the home occupation by window displays or signs will be permitted, except as provided for in Subsection 3.28.2.9. No more than one employee from outside the current residents of the home may be employed on site. In the event covenants applicable to the property preclude home occupations, the covenants shall control. A home occupation as described by this section is a permitted use in any zone and requires compliance with City business licensing regulations in effect at the time. If complaints are received by the City from adjoining residences, the City may prohibit the activity or require a Conditional Use Approval for the home occupation.

All home occupations outside of the guidelines described in this section shall be Conditional Uses, and must be applied for as such. Agricultural home businesses or occupations that comply with this code in an Agricultural Zone are permitted uses.

3.13 Condominium Conversion

Existing structures shall not be converted to condominium ownership without first receiving the review by the Staff, recommendation by the Planning Commission, and approval by the City Council. All required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the building code as a condition precedent to plat approval.

3.14 Side Yard Exceptions

The area of a required side yard shall be open and unobstructed except for the following:

1. The ordinary projections of window sills, brick courses, cornices, and other ornamental features to the extent of not more than twelve inches.
2. The projection of an eave not more than two (2) feet.
3. The projection of a step not over two (2) feet.
4. Awnings projecting over doorways and windows not more than three (3) feet.
5. A bay window or chimney not over eight (8) feet long projecting not more than two (2) feet.
6. A light or window well not over two (2) feet in width.
7. Walls or fences not more than six (6) feet in height, except on a corner lot pursuant to subsection 3.7.3 herein.
8. A driveway leading to a garage or parking area; however, a side yard cannot be used for a parking area except as hereinafter provided, nor for storage, nor can it be hard surfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a parking area in the rear yard.
9. Hot tubs, decks or similar uses twelve (12) inches or less above grade shall be allowed in a side yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

10. Detached garages and other accessory buildings sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the side yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

3.15 Rear Yard Exceptions

The area of a required rear yard shall be open and unobstructed except for the following:

1. A bay window or chimney not over eight (8) feet long projecting not more than two (2) feet.
2. Window wells extending not more than four (4) feet.
3. The projection of an eave or cornice not more than two (2) feet.
4. Private swimming pools, tennis courts, and similar uses shall be allowed in a rear yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.
5. Detached garages and other accessory buildings sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.
6. Hard surfaced parking areas Provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.
7. Air conditioning units.
8. Fences not over six (6) feet in height.
9. Hot tubs, decks or similar uses twelve (12) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

3.16 Front Yard Exceptions

The area of a required front yard shall be open and unobstructed except for the following:

1. A fence, wall or hedge not more than four (4) feet in height.
2. Uncovered decks, porches or steps leading to a building; less than four (4) feet in height and do not cause any danger or hazard to traffic by obstructing the view of the street or intersection. Any portion of any deck, porch or steps, covered or uncovered, exceeding four (4) feet in height above finished grade shall maintain the required setback line.
3. Eaves or cornices projecting not more than two (2) feet.
4. A driveway leading to a garage or parking area; provided, however, no portion of a front yard as required in this Code except for those approved driveways, shall be hard surfaced or graveled so as to encourage or make possible the parking of automobiles, nor shall the City allow any curb cuts or approve any driveways except for entrance and exit driveways leading to parking areas.
5. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:
 - a. Such drives shall be hard surfaced.

- b. Such drives shall not be over sixteen (16) feet in width.
- c. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.
- d. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

3.17 Height Provisions

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of a flat roof or the ridge of a hip or gable roof or the deck line of a mansard roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone. Roofs not fitting clearly any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

- 1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.
- 2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.
- 3. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

3.18 Accessory Dwellings

The intent and purpose of this provision is to encourage accessory dwellings as an affordable housing opportunity while protecting the existing quality of life in the residential zones throughout the community. Any request for an accessory dwelling such as basement, attic or garage apartments within residential dwellings must be reviewed and approved by the Staff and/or Planning Commission. The limit is one (1) accessory dwelling per single family detached dwelling. Accessory dwellings are permitted uses in all zones; however, the following criteria must be established prior to approval or issuance of a Building Permit:

3.18.1 Size

The maximum size of an accessory dwelling shall not exceed 1,000 gross square feet as measured from exterior wall to exterior wall, or two-thirds the size of the primary dwelling, whichever is less. The square foot amount of the accessory dwelling shall be included in the total building square footage calculations for all structures.

3.18.2 Parking

One on-site parking space shall be provided in addition to the underlying parking requirements for a household unit.

3.18.3 Single Utility Meters

The primary dwelling and the accessory dwelling shall be on the same utility meters.

3.18.4 Building and Fire Code

The accessory dwelling and associated improvements shall meet Building Code regulations as well as any Fire Codes in effect.

3.19 Regulation of the Placement of Satellite Receiving Antennas

3.19.1 Purpose

To ensure that satellite receiving stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial areas, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such antennae and equipment where they are least visible from public streets and public areas and, to the extent possible, provide screening from adjacent property owners. Digital satellite dishes of less than or equal to 36 inches in diameter are exempt from this section.

3.19.2 Permit Required

The installation of satellite receiving stations shall be deemed a permitted use. It shall be unlawful to install any satellite receiving station without first having obtained a building permit from the City. Plans of such satellite receiving stations shall be submitted with an application for a building permit, which shall include a site plan indicating the height, color, location, setbacks, foundation detail, landscaping, and screening.

3.19.3 Installation Standards

The following standards apply to the installation of a satellite receiving stations:

3.19.3.1 Height

Ground-mounted receiving stations shall be limited to a maximum height of fifteen (15) feet above grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished grade beneath the apparatus, with the apparatus set in its operating position. Finished grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

3.19.3.2 Setbacks

Satellite receiving stations installed on the ground must maintain all normal building setbacks applicable to the zone in which the station is located.

3.19.3.3 Location

All ground based receiving stations shall be located behind the front facade of the main building on the site. Stations may be allowed in the front yard area if it can be shown that no other reasonable locations are available and that site specific conditions including steep grades, dense vegetation, or other natural features which serve to screen the receiving station exist on the site.

3.19.3.4 Screening

Each satellite receiving station mounted on the ground shall be screened from ground view from public streets, rights-of-way, trails and parks where practical through the addition of non-vegetative features and/or landscaping as approved by the Staff or Planning Commission. Screening may also be required for adjacent property owners. As a guideline; screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the property. When initially installed, screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the satellite receiving station, and low level screening to protect the reception window such that the structural base is not readily visible from beyond the boundaries of the site.

3.19.3.5 Materials and Color

All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color. Variations may be reviewed and approved by the Staff or Planning Commission.

3.19.3.6 Roof or Wall-mounted

Roof or wall-mounted satellite receiving stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any public street, and maintain normal setbacks. Satellite receiving stations on flat roofs may be approved if they are screened by the addition of architectural features which integrate with the characteristics of the structure and are not located on the portion of the

roof fronting on any public street. The receiving station and screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for architectural details such as chimneys, vents, or similar structures.

3.19.3.7 Cables to be Underground

All wires or cables necessary for the operation of the receiving station shall be placed Underground, wherever possible, rather than installed overhead. Wires or cables attached flush with the surface of a building or the structure of the receiving station are the only exceptions.

3.19.3.8 Multi-family development

One satellite receiving station shall be allowed per project. A second receiving station may be allowed if approved by the Planning Commission. A letter from the Owner's Association or Management Committee indicating consent to the location of the satellite receiving station shall be required as part of the permit application filed with the City.

3.19.4 Subdivision and Condominium Covenants

Many subdivision and condominium covenants may address the location of satellite receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Owner's Association or Management Committee, the applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the satellite receiving station within the common area has been granted as a part of the permit application filed with the City.

3.20 Low Power Radio and Cellular Towers

The purpose of this Section is to provide standards and regulations for the height, location and general design of low power communication towers. These requirements apply to both commercial and private low power radio systems such as cellular or Personal Communication Systems (PCS), and paging systems. Each facility shall be considered as a separate use and an annual business license shall be required for each such facility.

The City will review each application for approval to ensure that the proposed facility is compatible with the height and mass of existing buildings and utility structures; that co-location of antennas or other structures is possible without significantly altering the existing facility; that the facility blends with existing vegetation, topography and buildings; and that location of a facility will not create a detrimental impact to adjoining property owners.

All applications for approval of a low power radio tower, cellular or PCS facility shall be approved in writing by the City.

3.20.1 Definitions

The following list of definitions is provided to add clarification to this section. If further clarification of this section is required it shall be given by the Board of Adjustment.

1. Antenna - A transmitting or receiving device used in telecommunications that radiates or captures radio signals.
2. Guyed Wire Tower - An open steel frame supported by guyed wires which extend 80% of the height of the structure away from the structure.
3. Lattice Tower - A self supporting, multiple sided, open steel frame structure used to support telecommunications equipment.
4. Low Power Radio Services Facility - An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio

wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

5. Monopole - A single cylindrical steel or wood pole that acts as the support structure for antennas.
6. Roof Mounted Antenna - An antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.
7. Wall Mounted Antenna - An antenna or series of antennas mounted against the vertical wall of a building or structure.
8. Whip Antenna - An antenna that is cylindrical in shape that can be directional or omni directional and vary in size depending upon the frequency and gain for which it is designed.

3.20.2 Types of Low Power Radio Tower or Cellular or PCS Facilities

Low power radio tower or cellular or PCS facilities are characterized by the type or location of the antenna structure. The four types of such antenna structures allowed within the City include wall mounted, roof mounted, monopoles less than two feet in diameter, and monopoles greater than two feet in diameter. Standards for installation and construction of each type of structure are listed below:

3.20.2.1 Wall Mounted Antenna

An antenna or series of antennas mounted against the vertical wall of a building or structure including, but not limited to, buildings, smoke stacks, water tanks, and grain elevators. Wall mounted antennas are a permitted use in the industrial zone and a conditional use in the commercial, agriculture and residential zones. Any wall mounted antenna shall comply with the following standards:

1. Wall mounted antennas shall not extend above the wall line of the structure more than four (4) feet, nor shall it protrude more than four (4) feet from the wall.
2. Wall mounted antennas and associated equipment shall be painted to match the color of the predominant background against which they are most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure. Whip antennas are not allowed on a wall mounted antenna structure.
3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence or landscaped to match the surrounding landscaping to the satisfaction of the Staff or Planning Commission.
4. The owner of any structure on which a wall mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

3.20.2.2 Roof Mounted Antenna

An antenna or series of antennas mounted on the roof, mechanical room, or penthouse of a building or structure is a permitted use in the industrial zone and a conditional use in the commercial, agriculture and residential zones. Any roof mounted antenna shall comply with the following standards:

1. Roof mounted antennas may only be erected on buildings or structures with a flat roof and shall be screened, constructed and/or colored to match the structure on which they are located.
2. Antennas must be setback from the edge of the structure no less than one (1) foot for every one (1) foot of vertical antenna height to a maximum height of ten (10) feet. In no case shall a roof mounted antenna be located closer than five (5) feet from the edge of the structure on which it is erected.

3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence or landscaped to match the surrounding landscaping or to the satisfaction of the Staff or Planning Commission.
4. The owner of any structure on which a roof mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

3.20.2.3 Monopole Structures Less Than Two (2) Feet in Width

A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas less than two (2) feet in width is a conditional use in the commercial, agriculture and residential zones. These types of structures include light poles, light standards, flag poles and other existing or planned vertical structures. The following requirements must be satisfied prior to construction of a monopole less than two (2) feet in width:

1. The total antenna structure mounted on a monopole shall not exceed two (2) feet in width or diameter nor exceed ten (10) feet in height. The monopole itself shall not exceed more than 60 feet in height.
2. No monopole antenna shall be placed within two hundred fifty (250) feet of a residential dwelling.

3.20.2.4 Monopole Structures Greater Than Two (2) Feet in Width

A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas greater than two (2) feet in width is a conditional use in the commercial, agriculture and residential zones. The following requirements must be satisfied prior to construction of a monopole greater than two (2) feet in width:

1. The actual antennas and antenna support structure on a monopole shall not exceed thirteen (13) feet in width and eight (8) feet in height.
2. No monopole shall be erected within five hundred (500) feet of residential dwellings or a one (1) mile radius to another monopole tower.
3. All monopoles shall be sixty (60) feet or less in height. The tower may be designed for co-location of antenna structures.
4. Co-location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the Staff.
5. The applicant must supply the City with a letter indicating that if technology renders the tower obsolete or the tower is vacated or is unoccupied for a continuous period of one (1) year, the applicant shall remove the tower, antenna(s), buildings, and all associated equipment, and restore the site to its original condition.
6. Monopole towers may not be constructed in the required front setback, front landscape buffer area, or required parking area of any zone district.
7. All associated equipment located on the ground, shall be enclosed by a sight obscuring fence or landscaped to match the surrounding landscaping to the satisfaction of the Staff or Planning Commission.
8. The owner of any property on which a monopole tower mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

3.20.3 Criteria For Conditions

The Planning Commission may use the following criteria for determining necessary conditions to ensure:

1. The proposed facility is compatible with the height and mass of existing buildings and other utility structures as applicable.
2. That co-location of antennas or other structures is possible without significantly altering existing facilities or impacting scenic views from I-80, 100 South to Main Street and Main Street North and South.
3. That the facility blends with existing vegetation, topography, rock outcroppings and buildings in the area.
4. That location of a facility will not create a detrimental impact to surrounding property owners.

3.21 Setback Requirements for Unusual Lot Configurations

All lots shall have a front, two sides and a rear setback with the following exceptions and clarification's:

1. Development on corner lots shall have two (2) front setbacks. The rear yard will be the side of the property opposite the driveway access from the street. If it is not clear which boundary should border the rear yard, the owner or developer may specify which is the rear yard.
2. Lots with more than four (4) sides shall have a side yard on either side of the front yard. The third side yard and rear yard may be specified by the developer or owner.
3. Lots with three sides will have a front setback, side setback and rear setback. In those cases where one side is clearly opposite the front, the rear setback must be opposite the driveway. If it is not clear where side and rear setbacks should be, the developer or owner may choose which is side and which is rear.
4. On those lots which border a street on both the back and front, both sides must have a front setback.
5. Any lots not specified in this section shall have setbacks determined by the Staff or Planning Commission.

3.22 Sensitive Lands Review

Any project proposed in an area defined as Sensitive Lands in this Code or containing lands designated as sensitive by the City may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 9 of this Code.

3.23 Liquor Stores and Private Clubs

Any application for a permit to maintain a liquor store or private club shall be a Conditional Use and shall conform to the following additional conditions and those created by the Planning Commission and shall comply to all aspects of this Code.

1. No liquor store or private club may be established within three hundred (300) feet of the nearest residential area, measured in a straight line from the nearest entrance of the liquor store or private club to the nearest property boundary of the residential area.
2. Liquor stores and private clubs shall locate on either collector or arterial streets.

3. Off-street parking shall be provided at the rate of one (1) space per one hundred (100) square feet of total floor space in the building for liquor stores or private clubs.
4. A permit to maintain a liquor store or private club as a Conditional Use must be approved by the Planning Commission and City Council.

3.24 Day Care Services (Including Preschools)

3.24.1 Child Day Care

Child day care services as defined in this code require a business license and are limited to the care of eight (8) children. The provider must reside in the residence where services are provided. The provider must receive a license from the State of Utah within sixty (60) days after approval by the City.

3.24.2 Child Care Center

Child care centers as defined in this code for the care of nine (9) or more children on a regular basis, require a Conditional Use Approval. The facility must conform to the Building Code prior to operation. The provider must receive a license from the State of Utah, if applicable, within sixty (60) days after approval by the City.

3.25 Temporary Uses

3.25.1 Purpose and Objectives

The following regulations are provided to accommodate those special events, activities, and uses of land or buildings which are temporary in nature and are not, therefore listed as regular Permitted or Conditional Uses in any zone district of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of citizens. Any use, building or structure which does not meet the requirements of this section shall be classified as a permanent land use and shall conform to all required standards of the building, health, fire, and development codes or other ordinances.

3.25.2 Uses Allowed:

Uses allowed on a temporary basis in accordance with provisions of this section may include, but are not limited to, the following: carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, promotional activities or special events, boutiques, motion picture productions, revivals, retreats, political rallies, or campaign headquarters. Uses shall be allowed for not more than thirty (30) days duration in any calendar year.

Temporary Use approval shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

3.25.3 Prior Approval Required

Prior to the establishment of any of the above uses, or any qualifying Temporary Use, (except fireworks stands or fireworks displays which shall be administered by the North Summit Fire District), temporary use approval shall be obtained from the Staff or Planning Commission with any conditions specified as required by the City. Temporary Use approval is not required to meet the notification requirements of this Code; however, the proposed use shall comply with the requirements of this Code and the Building Code. The approval of a temporary use shall require the following findings:

1. The nature of the requested use will not have any detrimental effects on adjacent properties and will be in harmony with surrounding uses.
2. The requested use will not create excessive traffic or parking hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.

3. The applicant shall have sufficient liability insurance for the requested use or event.

3.25.4 Standards and Requirements

A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

3.25.4.1 Sanitary Facilities

Any use requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same property as a host structure unless independent water and sewer service is provided for the temporary use. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:

- a. No preparation of any food on the premises.
- b. No indoor seating of patrons.
- c. Written evidence that a host structure will provide permanent sanitary facilities for all employees and that such facilities are conveniently located not more than three hundred (300) feet from the area of use and will be accessible during all periods of operation of the use.
- d. Written evidence that all food will be prepared and delivered from an approved catering service and that all waste resulting from the operation of the use will be properly disposed.

3.25.4.2 Signs

All signs associated with the temporary use shall be reviewed and approved in accordance with the sign standards of Section 3.28 herein and shall not be installed more than ten (10) days prior to the event and shall be removed within two (2) days following the event. The number of days signs are displayed for an event shall be included in the total days allowed for a temporary use as provided for in Section 3.25.2 herein.

3.25.4.3 Parking, Access, Circulation and Other Elements

Parking, access, circulation, and other significant elements of any other uses or structures existing on the site shall be handled on a case by case basis. Approval for each Temporary Use shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding thirty (30) days. If any temporary structure becomes vacant prior to the expiration of the approval, it shall be removed within fifteen (15) days of the vacancy.

3.25.4.4 Site Restoration

The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, revegetation replacement of facilities, and removal of any structures in an amount determined by the Staff or Planning Commission.

3.25.5 Revocation of Approval

An approval may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use review.

3.25.6 Business License Required

A Temporary Use approval is not a business license and the granting of said temporary use shall not relieve the applicant of any other license requirement of the City or any other public agency.

3.25.7 Fees

In order to offset a portion of the costs incurred by the City in processing Temporary Use Approvals, a fee may be charged as established by the City in its fee resolutions as may be applicable at the time.

3.25.8 Temporary Use Application Procedure

The application for a temporary use shall contain the following information.

1. A detailed description of the proposed temporary use including time of duration, location of facilities, project location, purpose for the temporary use and any desired signing.
2. A site plan, ownership plat map or building elevation drawing showing the proposed temporary use and the location of existing structures with property lines, easements, adjacent street centerlines and other information to clearly identify the proposed temporary use.
3. A legal description and proof of ownership authorization of use of the subject property.
4. Other information required by the Staff for Planning Commission to adequately review and address potential impacts of the proposed temporary use.

The Staff shall review the application for a temporary use to determine whether the proposal complies with the standards and requirements of this Code. Upon finding that the proposal complies with the applicable standards and requirements and can be adequately monitored and the site can be restored or structures removed within the time duration specified in the application, the Staff shall approve the temporary use with conditions or deny the application and communicate the decision to the applicant. Staff may also indicate whether the project should be reviewed by the Planning Commission and/or City Council or if additional comment is needed from the community in a public hearing.

3.25.9 City Celebrations or Events

Any City sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining Temporary Use approval as described by this Section.

3.26 Commercial Recreational Vehicle Parks or Camp Grounds

3.26.1 Conditional Use Approval Required

A Conditional Use Approval for a commercial recreational vehicle (RV) park or campground facility must be issued in accordance with the provisions of this Code and this section. In addition to conditions as may be required upon the issuance of a Conditional Use Approval for a RV park or campground, all RV Park or campgrounds shall be built to the standards set forth in this Code. RV shall mean Recreational camping type vehicles, travel trailers as well as tent trailers or tents if applicable.

3.26.2 Property Development Standards

The following development standards shall apply to RV or camping sites. Plans for the RV Park or Campground and any proposed accessory buildings or structures shall be submitted with the application for Conditional Use Approval. The plans shall be in conformance with the following development standards:

1. Each RV or camping site shall be plainly marked and numbered for identification and shall meet all requirements of this Code.
2. Each RV or camping site shall have an area of not less than one thousand (1,000) square feet.
3. Each site shall have a minimum width of twenty (20) feet. Trailers shall be separated from each other and from other structures by at least ten (10) feet. Any accessory uses such as attached awnings or steps, shall, for the purposes of this separation requirement, be considered to be part of the trailer.
4. Each site shall abut directly upon a park street for a minimum distance of twenty (20) feet. Alignment and gradient shall be properly adapted to topography and provisions shall be made for proper drainage.

5. Not more than one (1) RV shall be placed on a RV site.
6. Each RV site shall provide sufficient parking and maneuvering space so that the parking loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the RV parking area.
7. There shall be provided guest parking in each RV or camping park at the ratio of one (1) parking space for each ten (10) RV or camping sites within the park.
8. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Conditional Use Approval. There shall be at least one (1) tree per camping site.
9. Streets shall be at least twenty-four (24) feet wide. Parking shall not be allowed on park streets. The park streets shall be paved in accordance with City standards and shall provide concrete curb and gutter if applicable according to current standards. Curb and gutter may be of a "roll" type to provide convenient access to trailer sites.
10. A central recreation area shall be established in all RV parks which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten (10) percent of the gross site area of all RV spaces, or three thousand (3,000) square feet, whichever is greater.
11. RV or camping parks may have one (1) or more laundry rooms. Outdoor laundry drying lines shall not be permitted on any RV or camping sites.
12. Restrooms, including toilets, showers, and lavatories, shall be provided within a RV or camping park to conveniently and adequately serve said park.
13. All utility distribution facilities, including television antenna service lines serving individual RV sites, shall be placed underground. The owner is responsible for complying with the requirements of this section, and shall make the necessary arrangements with each of the public serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All RV sites must be served with water and electricity. Tent only campgrounds shall only be serviced with water to each site or group of sites. Natural gas hookups shall not be provided to individual RV or camping sites.
14. There shall be no open storage of personal belongings within a RV or camping site, nor shall an accessory building, shed, or cabinet be placed upon or erected upon an individual RV or camping site for the storage of materials or personal belongings.
15. All fuel tanks maintained within a RV site must be mounted securely upon or attached to the RV or recreation vehicle which they serve. No such tanks shall be larger than fifty (50) gallon capacity.
16. Any skirting surrounding the open space beneath a RV or other recreation vehicle shall be of the same basic material as the exterior skin of the vehicle and shall have the same color(s) as that of the skin of the vehicle, or complimentary color(s) thereto.
17. There shall be no removal of axles, wheels or tires from a RV or other vehicle located within a RV or camping park, except for emergency or temporary removal to accomplish repairs.

18. There shall be no separate mail boxes, separate street address designations, or other similar accessories which would give the appearance of "permanence" to occupants of a RV site.

3.26.3 Minimum Park Area

RV parks or camping facilities shall contain at least five (5) acres.

3.26.4 Length of Occupancy

No RV or camping site located within a park established under these provisions shall be occupied more than thirty (30) consecutive days by the same user, except for the RV park manager.

3.26.5 Eating and Cooking Facilities

Each RV or camping site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the North Summit Fire District.

3.26.6 Wastewater and Trash Disposal and Drinking Water Stations

Each RV or camping park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be hooked to the City sewer system, or a wastewater disposal system approved by the City Council and State Health Department. Also, a source of potable water for filling RV, travel trailer or other water tanks shall be required. Proper screened facilities for waste storage, handling and disposal shall also be approved by the Planning Commission.

3.27 Off-Street Parking

3.27.1 General Requirements

There shall be provided and maintained at the time of construction of any primary building or structure off-street parking space with adequate provisions for ingress and egress by standard sized vehicles as hereinafter set forth. Such parking space shall be located on the same lot as the building it is to serve.

3.27.2 Remodeling or Enlargement of Buildings

Whenever existing buildings are enlarged or increased in capacity, or a change in use occurs, additional off-street parking spaces shall be provided which will meet the requirements applying to such enlargement or change in use.

3.27.3 Quantity of Parking Spaces

The number of parking spaces for uses not specified herein shall be determined by the Staff or Planning Commission being guided where appropriate by the regulations set forth herein and Table 3.27.12 for uses of buildings which are similar to the use or building under consideration.

3.27.4 Setback Exclusions and Conflicts

In a residential zone, no part of any private or public parking lot shall be located in a set back adjacent to a street except under the following circumstances:

1. A parking lot may be approved in the area of a setback facing a street provided there is a minimum of ten (10) feet of landscaping adjacent to the street and the landscaping plan is approved by the Staff or Planning Commission.
2. In cases where there is a unique lot configuration, or an existing structure that creates a need to change the parking requirements, the Planning Commission may consider lowering the landscaping requirements immediately adjacent to an arterial street providing there is no alternative parking solution and such situation does not create increased unreasonable hazards to the health, safety, and general welfare of the residents in the area.

3.27.5 Landscaping

In reviewing the landscape plans, the Staff or Planning Commission shall consider the location, number, size, and type of plants, the method of irrigation to be used and other similar factors.

3.27.6 Conversion of Parking to Other Uses

Parking space allocated to comply with these regulations shall not be used later for additional structures or uses unless other parking space so complying is provided.

3.27.7 Area of Spaces

For the purpose of this section, a space of not less than nine feet (9') by eighteen (18') of lot area with access to public streets by standard-sized automobiles shall be deemed to be parking space for one vehicle.

3.27.8 Mixed or Combined Parking Uses

In the case of mixed uses on the same site, the amount of off-street parking spaces required shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. A reasonable amount shall be determined in accordance with the uses, location and circumstances of the building or structure.

3.27.9 Driveway and Parking Surfaces

All required parking areas and driveways shall be surfaced with either concrete or bituminous asphalt as approved by the City Engineer.

3.27.10 Parking Vehicles on Vacant Lots

It shall be unlawful for the owner of a motor vehicle to park it or allow it to be parked on the property of another person for the purpose of displaying it for sale, unless the person upon whose property it is parked or the lessee of such property has a business license to engage in the business of selling motor vehicles at that location. A business license may be subjected first to the requirements of obtaining a Temporary Use Approval as per this Code.

3.27.11 Specific Requirements by Use

Minimum on-site and off-street parking spaces for individual or similar uses shall be provided for in accordance with Table 3.27.12 as follows and as interpreted by the Staff or Planning Commission for uses not specific to those listed in the following table. Note that SLU means Standard Land Use code.

Table 3.27.12 Parking Requirements per Use

SLU Code	Category	Number of Spaces Required	Per Unit Description
1100	Household Units	2	per each unit
1200	Group quarters	1	per sleeping room, except SLU code 1241
1241	Retirement homes/centers	1	per two (2) beds
1300	Residential Hotels	1	per sleeping room (plus parking for accessory uses)
1400	Mobile home parks	2	per each unit plus (1) guest parking space per (3) units
1500	Transient lodging	1	per unit plus parking for accessory uses
2000	Manufacturing Plants	1	per employee at highest employment shift
3000	Manufacturing Plants	1	per employee at highest employment shift
4212	Bus passenger terminals	1	per 200 square feet of building area
4221	Motor freight terminals	1.25	per employee at highest employment shift
4700	Communications	1.5	per employee at highest employment shift
4813	Electricity Regulating sta.	1	per employee at highest employment shift
4822	Gas production plant	1	per employee at highest employment shift
4832	Water treatment plant	1	per employee at highest employment shift
4841	Sewage treatment plant	1	per employee at highest employment shift
5100	Wholesale	1	per employee at highest employment shift, or per 2000 square feet of floor space, whichever is greater

SLU Code	Category	Number of Spaces Required	Per Unit Description
5200	Build. materials, hardware,	3	per 1000 square feet of floor area
5300	General merchandise	5	per 1000 square feet of floor area
5400	Food – retail	5	per 1000 square feet of floor area
5500	Automotive	5	base, plus 1 per employee
5600	Apparel and access.	5	per 1000 square feet of floor area
5700	Furniture and home furnishings, equip.	1	per 600 square feet of floor area
5800	Eating and Drinking places	1	per (2) employees, plus one (1) per (4) seats
5900	Other retail	5	per 1000 square feet of floor area
6100	Finance, insur.& real estate	1	per 250 square feet of floor area
6211	Laundry and dry cleaning	1.5	per employee plus 3 additional
6220	Photographic services	1	per 200 square feet of floor area
6230	Beauty and Barber	2	per employee at highest employment shift
6240	Funeral parlors	12	per 250 square feet of floor area
6250	Apparel repairs	1	per 200 square feet of floor area
6300	Business services	1	per 200 square feet of floor area
6370	Warehouse and storage	1	per 1000 square feet of floor area
6400	Repair	1	per 250 square feet of floor area, except SLU 6411
6411	Repair, Auto	6	per 1000 square feet of floor area
6500	Professional	1	per 300 sq. feet of floor area, except # 6513 & 6516
6513	Hospital services	1	per bed, or per 1000 square feet, whichever is greater
6516	Rest homes & convalescent	1	per 2 beds, or per 1000 square feet, whichever is more
6600	Contract construction	1	per employee at highest employment shift
6710	Government offices	1	per 250 square feet of floor area
6800	Educational: nurse./day care	1	per employee
	Grades K-8	2	per teaching station
	Grades 9-12	3	per teaching station
	Colleges & trade schools	15	per teaching station
6911	Churches, temples, etc.	1	per (4) seats or (4) person seating capacity
7100-7900	Cultural, amusement and recreation	1	per (3.5) seats or (3.5) person seating capacity, based on a maximum use of all facilities at the same time.

3.28 Signs and Outdoor Advertising

3.28.1 Definitions

The following definitions pertain specifically to signs and sign regulation herein.

1. **A-Frame Sign.** Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.
2. **Animated Sign.** Any sign that is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights, or degree of lighting.
3. **Banner Sign.** A mounted piece of cloth, fabric or other non-rigid material displaying or not displaying an emblem, insignia, model, slogan or other message.

4. **Bench Sign.** A sign painted on or otherwise attached to a bench which uses the bench as an advertising platform.
5. **Billboard Sign.** A free-standing sign used, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property which the sign is located.
6. **Building Frontage.** That side of a building which faces and is parallel to or most nearly parallel to a public or private road.
7. **Building Sign.** Any sign attached to and supported by an exterior wall of a building, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building shall be considered a building sign and shall be treated in the same manner.
8. **Canopy Sign.** A sign which is mounted on a permanently roofed structure covering the sidewalk, driveway or other similar area which may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.
9. **Changeable Copy Sign.** A sign or portion thereof of characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign.
10. **Conforming Sign.** A sign that is existing as of August 1, 1997, which complies with the standards set forth in this section.
11. **Directional Sign.** A sign which serves as a directional guide through or to areas, events, building uses, or structures and contains no advertising copy.
12. **Erect.** To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.
13. **Free-Standing Sign.** Any type of sign which is permanently supported in a fixed location by a structure of poles, uprights or braces in or on the ground or which is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.
14. **Height of Sign.** Height of sign for a free-standing sign means the vertical distance of a free-standing or monument sign. It means the vertical distance measured from natural grade to the highest point of the sign or sign structure. For a building sign, it means the vertical distance measured from the building grade to the highest point of the sign or sign structure.
15. **Identification Sign.** An off-premise sign erected to identify the location and name of a place, building, or structure which otherwise would have no or limited means of identification.
16. **Illuminated Sign.** A sign which has copy artificially illuminated internally or externally whether the illumination source is attached or remote. Examples of illuminated signs include:
 - a. **Back-Lit Sign.** A sign consisting of letter(s) and/or design(s) raised above the signs background with an internal lighting source installed that illuminates the background making the letter(s)/designs(s) in silhouette.

- b. **Internally Illuminated Sign.** A sign made of translucent material with an internal source of light.
 - c. **Spot-Lit Sign.** A sign illuminated by spot lights that have sign illumination as their sole purpose.
- 17. **Marquee Sign.** Any sign attached to and supported by and projecting from a building.
 - 18. **Monument Sign.** Any sign that is freestanding and erected on the ground.
 - 19. **Movable, Freestanding Sign.** Any sign not affixed to or erected on the ground.
 - 20. **Non-Conforming Sign.** A sign that is legally existing or was approved on or before August 1, 1997, which does not comply with the applicable standards set forth in this Section.
 - 21. **Off-Premise Sign.** Any sign that advertises products, services or business establishments that are not located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.
 - 22. **On-Premise Sign.** Any sign that advertises products, services, or business establishments that are located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.
 - 23. **Outdoor Advertising Structure.** A structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments of those located, conducted, manufactured, or sold upon the premises on which the structure is erected.
 - 24. **Political Sign.** A sign advertising a candidate for public office, proposition or other issue to be voted on by the electorate.
 - 25. **Portable Sign.** Any sign not permanently affixed to the ground or building.
 - 26. **Projecting Sign.** A sign other than a building sign which projects from and is supported by a wall of a building and is not parallel to the plane of a wall. Projecting signs shall be counted as part of the total sign area allowed for building signs or free-standing signs as applicable.
 - 27. **Roof Sign.** A sign erected or constructed upon or over the roof of any building and supported on the roof structure.
 - 28. **Sign.** Any copy, words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate or identify a firm, association, corporation, profession, business, goods or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, that is visible from any public street, highway, trail, public right-of-way or easement. For the purpose of this Code, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, City, or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.
 - 29. **Sign Area.** The area of a sign shall include the sum of all display areas within any type of perimeter or border which may enclose the outer limits of any writing, representation,

emblem, figure or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, rectangle, triangle, circle or semi-circle of the smallest size sufficient to cover the entire area of the sign and computing the area of the shape. Any two-sided sign where the sides are no more than thirty-six (36) inches apart or the angle between the two sides of faces is forty-five degrees (45°) or less and which are visually identical shall only count one of the two sides as a sign area.

30. **Sign Copy.** Sign copy shall include advertising message, announcement declaration, display, illumination, insignia, lettering, logos or other types of any writing, emblem, figure or character.
31. **Temporary Sign.** A sign which is not intended to be permanently displayed. A temporary sign shall include, but is not limited to, the following:
 - a. Open house signs
 - b. Political signs
 - c. Real estate sale and rent signs
 - d. Special events signs
 - e. Yard or garage sale signs
 - f. Grand Opening signs
 - g. Promotional display signs

3.28.2 General Requirements

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City.

3.28.2.1 Sign Approval

Except as otherwise provided, it shall be unlawful to erect or maintain any sign or outdoor advertising structure without first obtaining the approval of the Staff or Planning Commission based upon the provisions of this section.

3.28.2.2 Permits

The approval of a sign shall be evidenced by a permit issued by the Staff or Planning Commission.

All signs shall be constructed and all permits shall be issued in accordance with the provisions of this section and the Building Code. All standards in this section are minimum standards, greater restrictions or limitations may be imposed by the Staff or Planning Commission. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located, all

relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, and any other information reasonably required by the Staff or Planning Commission. A permit may be revoked and a sign removed pursuant to Section 3.28.7 if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

3.28.2.3 Sound or Emissions

No sign shall be designed for the purpose of emitting sound, smoke, or steam.

3.28.2.4 Movable, Freestanding Signs

Except as otherwise provided in this section, all movable, freestanding signs, including A-frame signs, are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing.

3.28.2.5 Canopy Signs

Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of building signs for the building from which the canopy projects. Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six (6) square feet.

3.28.2.6 Violations

It is unlawful to erect or maintain a sign contrary to the provisions of this section. If a sign is erected or maintained in violation of this section the City may do the following:

Order the defect corrected or the subject sign to be removed by, and at the expense of the Owner of the sign within a fixed period of time, not exceeding thirty (30) days and levy fines in accordance with Appendix C.

If the owner of the sign contests the order of the Staff, the remedy shall be an appeal to the Board of Adjustment, which appeal shall be taken in the time and manner otherwise provided in this Code. If the owner of the sign fails or refuses to remove the subject sign, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney's fees and costs.

3.28.3 List of Exempt Activities

The following sign activities are not subject to review and approval by the City provided they comply with all restrictions set forth below:

1. Changing Advertising Copy. The changing of the advertising copy or message on a lawfully erected changeable copy sign.
2. Maintenance or Cleaning of a Sign. This exception shall not include any structural, electrical, or color changes of a sign.
3. Credit Advertising Signs. For each street frontage of the primary use, one sign not over one square foot in area advertising that credit is available.
4. Identification Signs. For each parcel, one identification sign containing no advertising copy is non-electrical and non-illuminated which is not greater than six (6) square feet in area and four (4) feet in height.
5. Temporary Signs. For each parcel or use, one temporary sign per street frontage which is not greater than eight (8) square feet in area and four (4) feet in height, is non-illuminated, and is not displayed for more than 30 days in a calendar year.
6. Political Signs. Political signs no greater than sixteen (16) square feet in size and six (6) feet in height, that for 60 days preceding a general or special election up to three (3) temporary signs may be placed on each parcel, provided they are removed within ten (10) days after the election.
7. Construction Signs. Site construction signs which identify the project, the owner or developer, architect or other designer, engineer, contractor and subcontractors, funding sources, and other related information. Not more than one such sign shall be erected per site, and it shall not exceed 32 square feet in area. The height of construction signs shall not exceed eight (8) feet, or if attached to a construction trailer shall not exceed the height

of the trailer. Such signs shall not be erected prior to project approval and shall be removed prior to issuance of a Certificate of Occupancy.

8. Public Service Signs. Signs of public service entities indicating danger and/or service and safety information.
9. Replacement Signs. Replacement of road signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced and when the sign conforms to the applicable standards of the Manual On Uniform Traffic Control Devices.
10. Residential Signs. In residential areas, signs not exceeding four (4) square feet in area such as; a) signs giving property identification names or numbers or names of occupants or home occupation; b) signs on mailboxes or newspaper tubes. (c) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
11. Internal Building Signs. Any sign which is located within a building and which is clearly intended to be visible primarily to people located within the building.
12. Window Signs. Signs located within structures, including inside window signs intended to be seen from outside of the building when such signs are limited to twenty-five percent (25%) of the area of each window or series of windows.
13. Private Property Signs. Signs on private property two (2) square feet or smaller which limit access, provide direction, parking admittance, define entrances or exits or stop signs, or pertain to security provisions.

3.28.4 Sign Standards

The following sign standards shall apply to all signs except where specifically provided otherwise:

1. Opaque Background for Internally Illuminated Signs. The background of all internally illuminated signs shall either be of an opaque material which does not transmit light, or shall be of a dark color.
2. Off-Premise Signs. No signs shall be erected or maintained on a parcel or project area other than the parcel or project area on which the use or activity advertised by the sign is located. Off-premise directional signs may be allowed when an event, building use or structure is situated in such a manner that its location is obstructed from public view and identity. Off-premise signs shall not be greater than six (6) square feet in area and four (4) feet in height.
3. Sign Illumination. No sign shall be illuminated by or contain blinking, flashing, intermittent, or moving light or lights, except the time and temperature portion of a sign. All sources of illumination for signs shall be directed or shielded away from public roads, public recreation areas, trails or nearby residences.
4. Diffuse Lighting. All signs which are illuminated shall be illuminated using indirect or diffuse lighting. No sign shall contain copy which consists of illuminated bulbs or individual light or light sources.
5. Roof Signs. No sign shall be mounted on the roof of a building or other structure.
6. Prohibited Devices. Strings of pennants, banners, ribbons, steamers, balloons, spinners, or other similar moving or fluttering devices, and searchlights shall be prohibited except as approved on a temporary basis.

7. Signs Imitating Official Traffic Signs. No sign shall imitate the color and shape of, or directions given in, an official traffic sign or signal, or use such words as “stop,” “caution,” “yield,” “danger,” or “warning.”
8. Signs Obscuring Vision. No sign shall be placed such that it obscures the vision of a motorist upon entering or leaving a road.
9. Signs on Natural Features and Other Structures. No sign shall be affixed to or painted on trees, rocks, or other natural features, utility poles, road sign poles, traffic signal equipment and poles, garbage receptacles, benches, and other types of street furniture.
10. Rotating Signs. No sign shall rotate or have a rotating or moving part, or parts, except clocks and thermometers.
11. Signs Attached to Motor Vehicles. No sign shall be attached to or located on stationary motor vehicles, equipment, trailers, and related devices when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicles, equipment, trailer and related device.
12. Portable Signs. No sign shall be permitted which is not permanently affixed to the ground or a building, except as exempted herein as a temporary sign or otherwise approved on a temporary basis.
13. State of Repair. All signs and components thereof, including supports, braces, and anchors, shall be kept in a state of good repair.
14. Removal of Sign Message. Any sign for which the sign message or face has been removed, leaving only the supporting frame, can, braces, anchors, or similar components, shall, within 30 days of the removal of the message or face, replace the message or face, or shall have the remaining components of the sign removed. This subsection shall not be construed to alter the effect of subsection 3.28.11 herein, which prohibits the replacement of a non-conforming sign.
15. Non-Commercial Copy. No provisions of this Section shall be construed as regulating or restricting the use of copy or other message that does not advertise a business or similar economic means for the production of income.
16. Highway Signs. Highway signs, road signs and other regulatory and directional signs which are located in public rights-of-way shall conform to the applicable sign standards set forth in the Manual On Uniform Traffic Control Devices, 1978.
17. Window Signs. Any window sign which exceeds twenty-five percent (25%) of the window area of any window or series of windows shall be included in the maximum allowable square footage calculations for building signs. Permanent signs printed on windows are considered to be building signs and shall be included in the maximum allowable square footage calculations under this Section.
18. Sign Material and Colors. All signs shall be constructed so that exposed surfaces complement the material and color scheme of the building or primary use of the property.
19. Sign Copy. The copy on a sign shall not exceed 60% of the total sign area.
20. Signs in Public Right-of-Way. No sign shall be erected in or extend over any public right-of-way or space except traffic and directional signs erected by a public agency or as provided for herein.

21. Signs on Premises. Except as provided herein, no sign shall be permitted which is not used exclusively to advertise the ownership, sale, or lease of property upon which the sign is placed, or to advertise a business conducted, services rendered, goods produced or sold, or to advertise or identify any other lawful activity conducted.

3.28.5 Location Standards

All signs and outdoor advertising structures shall comply with the following location requirements:

1. No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, window or sidewalk.
2. No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty-five (25) feet from the intersections of the projecting property lines.
3. No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah or rules and regulations duly promulgated by agencies thereof.
4. No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten (10) feet.

3.28.6 Signs in Residential Areas

The following standards shall apply to signs located in residential areas:

1. Subdivision Entrance Signs. Residential subdivisions may be allowed one freestanding or wall-mounted sign per public road entrance. Such sign shall be no greater than twenty-four (24) square feet in area. Freestanding signs shall not exceed a height of eight (8) feet above grade, and shall be set back to the property line or edge of the public right-of-way. The height of wall-mounted signs shall be no greater than eight (8) feet above natural or finished grade. Two freestanding or wall-mounted signs may be allowed per public road entrance, provided the combined area of both signs is not greater than twenty-four (24) square feet.
2. Signs for Multi-Residential Uses. Signs for multi-residential uses of five (5) or more dwelling units shall conform to the following standards.
 - a. Building Signs. Each multi-residential project may be allowed one square foot of sign area to each three lineal feet of building frontage up to a maximum of thirty (30) square feet of sign area per building frontage. Maximum height of building signs shall be sixteen (16) feet above grade.
 - b. Freestanding Signs. One freestanding sign per project area may be allowed if the eligibility standards listed below are met.
 - 1) Freestanding Sign Area. The maximum allowable sign area for freestanding signs is thirty (30) square feet.
 - 2) Freestanding Sign Height. The maximum allowable height of freestanding signs is twelve (12) feet.
 - 3) Freestanding Sign Location. No portion of a freestanding sign shall be closer than fifteen (15) feet to any property line or a public right-of-way.

- c. Directional Signs. Directional signs which are no greater than six (6) square feet in area, no greater than four (4) feet in height, contain no advertising copy, and are not located within the yard setbacks, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or free-standing signs, as applicable.

3.28.7 Signs Permitted in Commercial and Industrial Zones

1. Building Signs. Each use may be allowed one square foot of building sign area for each three lineal feet of building frontage up to a maximum of thirty-six (36) square feet of sign area per building frontage. Maximum height of building signs shall be twenty (20) feet above grade. In instances where the primary use has no building frontage but does have a frontage without a public entrance on what is defined as a street, the City may allow building signage to be erected upon that alternative frontage. The sign area shall be calculated based upon that alternative frontage. Up to fifty percent (50%) of the maximum allowable sign area for building signs may be used in a projecting sign.
2. Freestanding Signs. Freestanding signs shall conform to the following standards.
 - a. One freestanding sign per project area may be allowed if:
 - 1) The road frontage of the project area is greater than 100 feet in length; or
 - 2) The sign identifies a building with multiple tenants or a project area with multiple buildings; or
 - 3) The use does not contain a structure in its normal operation on which to place a building sign.
 - b. Freestanding Sign Area. The maximum allowable sign area of freestanding signs is thirty-six (36) square feet.
 - c. Freestanding Sign Height. The maximum allowable height of freestanding signs is twenty (20) feet.
3. Directional Signs. Directional signs which are not greater than six (6) feet in area, no greater than four (4) feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable..

3.28.8 Removal of Non-conforming Signs

Non-conforming signs, excluding billboards, shall be conformed, if conformity is possible, or removed as follows:

1. On the happening of any of the events described below, or where any of the following conditions apply, the sign or signs shall be brought into compliance, and a new permit shall be secured or the sign shall be removed.
 - a. The cost of conforming the sign is valued at less than one hundred dollars. Sign value shall be determined based on an actual sales receipt for the sign, a cost estimate for the replacement cost provided by a qualified professional, or the replacement cost as determined in the current edition of the Sign Writers Guide to Easier Pricing, whichever is greater.

- b. If a non-conforming sign is destroyed or damaged to an extent in excess of fifty percent (50%) of the sign value.
 - c. If the sign is relocated.
 - d. If the sign is altered structurally or if more than fifty percent (50%) of the copy as measured by the sign area is altered, except for changeable copy signs and maintenance.
 - e. If the business or service for which the non-conforming sign(s) was installed is abandoned, (for at least twelve (12) months) expanded or modified. All improvements to a single business or use within any 12-month period shall be treated cumulatively in the administration of this subparagraph.
2. *Maintenance and Repair of Non-conforming Signs.* Nothing in this Subsection (2) shall be construed to relieve the owner or user of a non-conforming sign, or owner of the property on which such non-conforming sign is located, from maintaining the sign in a state of good repair; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming.

Nothing in this Section shall be deemed to prohibit the City from acquiring a billboard and associated property rights by gift, purchase, agreement, exchange or eminent domain; provided, however, that if the City acquires a billboard by eminent domain it shall pay the owner just compensation. Notwithstanding any provision to the contrary herein, the City may remove a billboard without providing just compensation in accordance with the procedures set forth in this Section if the Staff or Planning Commission provides reasonable notice of the proceedings and, following a public hearing, finds that:

- 1. The applicant made a false or misleading statement in any application to the City necessary to establish or change the billboard;
- 2. The billboard is unsafe or presents a hazard to persons or property;
- 3. The billboard has been abandoned for at least twelve (12) months.

3.28.9 Special Sign Provisions in the Commercial Zones

If a commercial project includes more than five (5) businesses or is located in the Highway Commercial Zone, the Planning Commission may approve a freestanding sign up to sixty (60) feet in height and 100 square feet in size as a Conditional Use.

3.28.10 Special Sign Provisions in the Light Industrial Zone

If an industrial project includes more than five (5) businesses, the Staff or Planning Commission may approve a freestanding sign up to thirty (30) feet in height and fifty (50) square feet in size as a Conditional Use.

3.28.11 Classification of Signs

Every sign erected or proposed to be erected within the City shall be classified by the Staff or Planning Commission in accordance with the definitions, design, location and purposes of signs identified in this section.

3.28.12 Non-conforming Signs

All signs which have been made nonconforming by the adoption of provisions contained within this Code shall be subject to the following regulations:

- 1. Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within thirty (30) days of mailing or otherwise given notice of the unsafe condition.

2. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Code. Alterations shall also mean that changing of the text or message that the sign is conveying from a use of the premise to another use of the premise and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy on signs which are designed to accommodate changeable copy.
3. Non-conforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, or act of nature, to the extent of more than fifty (50) percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this Code or shall be removed.
4. A non-conforming sign or sign structure that ceases to be used for sign purposes for a period of one (1) year shall be deemed abandoned. Any sign or sign structure which is abandoned, is in an unreasonable state of repair, or is unlawfully maintained, is subject to immediate revocation of its permit and removal pursuant to the provisions of this Code.

3.29 Design Review

The City Council and Planning Commission have determined that the various aspects of architectural design have a significant impact on the character and value of Coalville City's existing neighborhoods and planned commercial districts. Preserving and enhancing this character requires the existence of a certain harmony and compatibility from one building to the next and throughout the particular neighborhood or district. They have also determined that preserving and enhancing the visual character of certain entryways to the City, and areas of unique natural and architectural significance furthers the economic and cultural well-being of the community.

These minimum design standards address valuable design relationships and site planning principles. They are standards that could apply to any area of the City. How they apply in any given district or zone will depend on the existing characteristics of that particular area. To that end, the City Council and Planning Commission has adopted design guidelines based on the rural, small town characteristics, coal mining history and Victorian architecture themes of the community.

The intent of these standards is to identify a range of design options which will encourage development compatible with the rural, small-town character and coal mining history and discourage the introduction of incompatible design features. The Planning Commission may recommend to the City Council that a Design Review Committee be formed to assist in the administering of this section.

3.29.1 Design Review Committee

In accordance with the duties and powers of the Planning Commission outlined in Chapter 4, the Planning Commission may recommend persons to serve on a Design Review Committee to help implement this section. Those recommended shall be representative of the following groups: the Planning Commission, Staff, design professionals, development community, and property owners. Members of the committee shall be appointed by the Mayor with the advice and consent of the City Council. The Design Review Committee shall organize by-laws or administrative procedures and operate under the authority of this section. The committee may adopt design standards as appropriate that meet those guidelines or enhance upon those listed below. The committee shall meet at such times and places and as often as they or the Planning Commission shall deem necessary to review applications.

The administrative procedures adopted shall apply to all requests for a Certificate of Appropriateness. For purposes of these procedures, the Design Review Committee shall be considered Staff to the Planning Commission. The Committee recommendation for a certificate of appropriateness shall be forwarded to the Planning Commission for approval consideration.

3.29.2 Certificates of Appropriateness

The Planning Commission and Design Review Committee will review the following five different kinds of project activities that require Certificates of Appropriateness. Each will require a slightly different application of the guidelines below and additional standards as may be adopted:

1. For new buildings or building additions, the focus of the guidelines is on the compatibility of new construction with the desired existing character of the surrounding area without dictating style or taste.
2. For reconstruction, remodeling, and repair of existing structures, the guidelines seek to guide and encourage rehabilitation in line with the historic character of the structure.
3. For relocation of buildings, the guidelines seek to ensure that buildings moved or relocated are compatible with the surrounding historic buildings and are suitably situated on the lot.
4. For the demolition or removal of existing buildings, the focus of the guidelines is to find feasible alternatives to the demolition, or at least compatible historic design replacement.
5. For sign permits, the guidelines seek to insure that the sign is designed as an integral architectural element of the building and site to which it relates, and is compatible with the overall character of the design theme of the area.

3.29.3 *Harmony of Design Guidelines*

1. To preserve the design character of the existing historic development, the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings, new buildings should be sympathetic to scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatment and by requiring some uniformity of detail, scale, proportion, textures, materials, color, and building form.
2. The use of unusual shapes, color, and other characteristics that cause new buildings to call excessive attention and create a jarring disharmony shall be avoided, or reserved for structures of broad public significance.
3. The height and mass of new buildings shall be related to the prevailing scale of development in the area to avoid overwhelming or dominating existing development.
4. Building additions should be designed to reflect existing historic buildings in scale, materials, and color. Facade renovations should include as few different materials as possible.
5. The architectural style of new or redeveloped structures shall be compatible with the predominant Victorian and coal mining architectural themes of the community. Contemporary design for new buildings in old neighborhoods and additions to existing buildings or landscaping should be discouraged if such design is not compatible with the size, scale, color, material, and character of the neighborhood, building, or its environment.
6. Adjacent buildings of different architectural styles shall be made compatible by such means as materials, rhythm, color, repetition of certain plant varieties, screens, sight breaks, etc.
7. To preserve the continuity prevailing along each block face, the orientation of the building's principal facade shall complement that of the majority of buildings in the same block face. (Either parallel or perpendicular to the street)
8. The open expanse of front lawns and the quantities of planting within them of new or redeveloped structures shall be comparable to that of existing structures.

9. Exterior lighting of buildings, landscaping, parking lots and streets shall not emit undesirable light rays into the night sky or onto adjacent private properties. Lighting fixtures and standards should be compatible with the historic building architectural style of the surrounding area and of the height oriented to a pedestrian scale in keeping with the rural, small-town character. The lighting illumination should be sufficient for security and visibility but not produce glare and light trespass or be annoying to pedestrians or motorists.

3.29.4 Building Details

1. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of historic architectural features should be held to the minimum, consistent with the proposed use.
2. Distinctive stylistic features or examples of skilled craftsmanship which characterize older structures and often predate the mass production of building materials should be treated and/or preserved with sensitivity.
3. Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

3.29.5 Signs

Signs should complement the architectural style and scale of the building and should be designed as an integral architectural element of the building and site to which it principally relates. As an architectural element, the sign should reflect the period of architecture and be in harmony with building character and use. It must not interfere with architectural lines and details. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be in proportion to the area of the sign face.

3.29.6 Demolition

Except for building condemnation proceedings for health and safety reasons, no demolition permit will be issued until plans have been submitted, reviewed, and approved for a replacement structure or appropriate landscaping. This is to assure that vacant lots are not created in the district, and to make sure the new structure is compatible with its surroundings.

3.30 Technical Review

The City Council and Planning Commission have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through the formation of a Technical Review Committee made up of experts in the field to review the permit and make recommendations to the Planning Commission and City Council regarding conditions of approval. The members shall be appointed by the Mayor, with input of the City Council. The members of the Committee shall act as Staff to the Planning Commission.

The Committee may review a project as directed by the Planning Commission and submit a certificate of review with findings and concerns to the Planning Commission prior to their approval of conditions to the permit.

This Committee may be formed on a case by case basis as the need may arise and may consist of the same members or additional and replacement members as necessary. The Committee may adopt administrative procedures as appropriate.

3.31 Right to Farm Provisions

Since Coalville contains areas that have traditionally been agricultural, the City Council places a high value on the protection and preservation of agricultural land uses, and has adopted the following right to farm provisions.

3.31.1 Impact Analysis Required

All Commercial or Industrial Projects, Subdivisions and Master Planned Developments that; (a) border an agricultural area, or; (b) contain within them an agricultural or irrigation right-of-way or easement, or: will contain agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an analysis to be reviewed and implemented as part of the Site Plan, Conditional Use Process, MPD or Subdivision Review Process. This impact analysis shall be used to determine the impact(s) on associated farming and/or livestock operations affected by the development, and implement mitigation and protection designs in the development to alleviate conflicts with the affected agricultural operations.

The developer is responsible for the preparation of the analysis with the input and review by the City. The Planning Commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the proposed development, and will apply appropriate conditions during the approval process to ensure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors.

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Impact solutions may be developed as permit conditions and restrictive covenants or agreements:

1. Protection of irrigation access and maintenance of ditches and canals.
2. Safety and protection of the public from ditches, canals, ponds and drainage systems.
3. Livestock movement corridor protections and safety concerns.
4. Fencing safety (i.e. electrical, barb wire) and design.
5. Private property protection issues.
6. Hunting protection, access and livestock safety concerns.
7. Protection of farm equipment ingress and egress.
8. Erosion and soil protection and conservation concerns.
9. Drainage of the development and designs to minimize the discharge or impact on agricultural lands and soils.
10. Noxious weeds, pests and pet (dog) controls in the development.
11. Provisions, acknowledgments and understandings by new property owners (including hold harmless agreements if necessary) that farm work hours run late and begin early and that farm operations may contribute to noises, odors, and dust objectionable to some subdivision residents, or commercial clientele.
12. Screening provisions and landscaping designs to reduce noise or visual impacts on surrounding or conflicting land uses.
13. Any other provisions or concerns that the Planning Commission deems necessary to protect the rights to farm on adjoining or appurtenant properties.

3.31.2 Rights to Farm

All rights to farm are protected to the best ability of the City, taking into consideration practical land use applications and private property rights, particularly concerning existing viable agricultural operations.

3.32 Adult/Sex Oriented Facilities and Businesses

Adult/sex oriented facilities and business shall be a conditional use within the Light Industrial (LI) Zoning District and are prohibited in all other zoning districts. The following provisions are adopted governing the granting of conditional use permits for adult/sex oriented facilities and businesses and regulating the conduct of such businesses:

3.32.1 Purpose

The purpose and objective of this provision is to establish reasonable and uniform regulations and guidelines to approve conditional uses for adult/sex oriented facilities and businesses in order to prevent the concentration of such facilities and businesses or their location in areas deleterious to

the City, and prevent inappropriate exposure of such facilities and businesses to the community. This provision is to be construed as a regulation of time, place and manner of the operation of these facilities and businesses to protect legitimate governmental interests and mitigate the secondary effects of such businesses in a manner consistent with the constitutional protections provided by the United States and Utah Constitutions.

3.32.2 Definitions

(1) **Adult Business.** An Adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore or Adult Video Store.

(2) **Adult Bookstore or Adult Video Store.** A business establishment which:

- (a) Holds itself out to be such a business; or
- (b) Excludes minors from more than thirty (30%) percent of the retail floor or shelf space of the premises; or
- (c) Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

(3) **Adult Cabaret.** An establishment which features as a principal use of its business, waiters, waitresses, or bartenders who are in a state of nudity or semi-nudity, and/or which features on a regular basis entertainers who perform in a state of nudity or semi-nudity.

(4) **Adult Motion Picture Theater.** A business establishment which:

- (a) Holds itself out as such a business; or
- (b) As its principal business, regularly shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(5) **Adult/Sex Oriented Facility or Business.** Nude or Semi-Nude Entertainment Businesses and Adult Businesses as defined in this Ordinance.

(6) **Adult Theater.** A theater, concert hall, auditorium, or similar business establishment which:

(a) Holds itself out as such a business; or

(b) As its principal business, regularly features persons who appear in live performance in a state of nudity or semi-nudity or which are characterized by the exposure of "specified anatomical areas" or by "specific sexual activities."

(7) **Distance.** All distances discussed herein as they pertain to buffers from other SOBs, churches, schools, parks, and residential zone districts are measured as follows:

In a straight line, without regard to intervening structures, from the nearest property line of the school, park, church, residential zone district or other SOB to the nearest property line of the SOB.

(8) **Escort.** Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be

construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship and who provide a service not principally characterized as dating or socializing.

(9) **Escort Service.** An establishment which features as a principal use of its business, for pecuniary compensation, furnishing or offering to furnish escorts, or provides or offers to introduce patrons to escorts.

(10) **Nude or Semi-Nude Entertainment Business.** A business, including an Adult Theater, where employees/entertainers perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a Nude or Semi-Nude Entertainment Business if the business holds itself out as such a business.

(11) **Nudity or State of Nudity.** A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

(12) **Obscene.** Any material or performance is Obscene if:

(a) The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

(b) It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

(c) Taken as a whole, it does not have serious literary, artistic, political or scientific value.

(13) **Operator.** The manager or other natural person principally in charge of an Adult/Sex Oriented Facility or Business.

(14) **Outcall Services.** Escorts and businesses which provide, as any portion of their business, nude or semi-nude services outside of the premises in any place of private resort or private quarters by models, dancers or other similar employees.

(15) **Semi-Nude.** A state of dress in which a person wears opaque clothing covering (1) only the male or female genitals, pubic region, and anus, by an opaque cover that is four inches wide in the

front and five inches wide in the back tapering to one inch at the narrowest point, and (2) only the nipple and areola of the female breast, if applicable.

(16) **Sexually-oriented Business Employees.** Those employees who work on the premises of the Adult/sex oriented facility or business in activities related to the sexually-oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as employees, agents or independent contractors. Employees shall not include individuals whose work is unrelated to the sexually-oriented portion of the business, such as janitors, bookkeepers and similar employees. All persons employed by an outcall service making outcall meetings under this Ordinance, including dancers, escorts, models, guards, drivers, and other similar employees, regardless of the employee's state of dress, shall be considered sexually-oriented business employees.

(17) **Specified Anatomical Areas.** The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

(18) **Specified Sexual Activities.** Means:

- (a) Acts of masturbation, human sexual intercourse, or sodomy; or
- (b) Manipulating, caressing or fondling by any person of the genitals of a human, the pubic area of a human, or the breast of a human female; or
- (c) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

3.32.3 **Criteria**

Adult/sex oriented facilities and businesses shall conform to the following criteria:

- (1) Adult/sex oriented facilities and businesses may be constructed or operated as conditional uses within the Light Industrial Zoning District.
- (2) Adult/sex oriented facilities and businesses shall not be located within five hundred (500) feet of any other adult/sex-oriented facility and business.
- (3) Adult/sex oriented facilities and businesses shall not be located within five hundred (500) feet of a church, public park or public or private school accredited by the State of Utah, or within three hundred (300) feet of any residential zone district, residential dwelling or use.
- (4) All applicants for a conditional use must provide the following information, in addition to any other requirements required under this Code:
 - (a) The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name who is making application for a conditional use permit hereunder.
 - (1) If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name, the information required below shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company or any entity holding more than ten percent of an ownership shall be considered an applicant for purposes of disclosure under this provision.
 - (2) All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign checks for such corporation, partnership or non-corporate entity.

(b) All applicants must provide any other names or aliases used by that individual, present physical and mailing business address and telephone number, present mailing, as well as physical, residential addresses and telephone number, Utah drivers license or identification number and social security number with appropriate proof that the individual is at least twenty-one (21) years of age. Where an applicant is a non-resident of the State of Utah, that applicant must provide an agent resident within the State to act on its behalf.

(c) The applicant's fingerprints on a form provided by the Summit County Sheriff's Department. For persons not residing in Summit County, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for fingerprints shall be paid by the applicant directly to the issuing agency.

(d) A statement detailing the license or permit history of the applicant for the five year period immediately preceding the date of the filing of the application, including whether such applicant possesses or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated an adult/sex-oriented facility or business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city, state, or territory. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application for a conditional use permit.

(e) In the event the applicant is not the owner of record of the real property upon which the business or proposed business is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as a copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.

(f) A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations, or employment guidelines under or by which the adult/sex oriented facility or business intends to operate. This description shall also include:

(1) the hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity,

(2) the methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities,

(3) the methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by other statutes and ordinances, and

(4) the methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

(g) All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or entity subject to disclosure hereunder for five years prior to the date of the application. This

disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense); stating the date, place, nature of each conviction, plea, and sentence or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a Conditional Use Permit for an Adult/Sex Oriented Facility or Business shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding to grant a permit for such business.

(h) No applicant who has been convicted or pled nolo contendere to a crime involving prostitution, exploitation of prostitution, solicitation of sex acts, sex acts for hire, compelling prostitution, aiding prostitution, sale, distribution or display of material harmful to minors, sexual performance by minors, possession of child pornography, lewdness, indecent exposure, any crime involving sexual abuse or exploitation of a child, sexual assault or aggravated sexual assault, rape, forcible sodomy, forcible sexual abuse, incest, harboring a runaway child, criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense for which less than two years have lapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the previous five years, or if less than five years have elapsed from the date of conviction when the offense is a felony, shall be entitled to receive a conditional use permit to operate an adult/sex oriented facility or business in Coalville City. The fact that a conviction is being appealed shall have no effect on the disqualification provide for in this subpart.

3.32.4 Mandatory General Conditions

All conditional use permits for adult/sex oriented facilities and businesses shall include conditions which prohibit such facilities and businesses from:

- (1) Allowing persons under the age of eighteen (18) years on the premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas,
- (2) Allowing, offering or agreeing to allow any alcohol to be stored, used, sold, or consumed on or in the premises,
- (3) Allowing the outside or interior door to the premises to be locked while any customer or employee is in the premises, except that management may lock interior offices for security purposes,
- (4) Allowing, offering or agreeing to gambling on the premises,
- (5) Allowing, offering or agreeing to any employee of an adult/sex oriented facility or business touching any patron or customer in a sexually enticing, explicit, or arousing manner,
- (6) Allowing, offering or agreeing to illegal possession, use, sale or distribution of controlled substances on the premises,
- (7) Allowing, offering, or agreeing to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the premises,
- (8) Allowing, offering, or agreeing to any specified sexual activity as validly defined by Coalville City ordinances or state statute in the presence of any customer or patron,
- (9) Allowing, offering, or agreeing to allow a patron or customer to masturbate in the presence of an employee or on the premises of an adult/sex oriented facility or business,

- (10) Allowing, offering, or agreeing to commit an act of lewdness as defined in Utah State law, and
- (11) Forbidding or prohibiting the Police Department or other County official from having access during the hours of operation to all premises covered by a conditional use permit for an adult/sex oriented facility or business or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.
- (12) Allowing a dancer, model or performer, while performing in any business licensed/permitted pursuant to this Ordinance:
 - (a) To touch in any manner any other person;
 - (b) To throw any object or clothing off the stage area;
 - (c) To accept or solicit any gratuity, money, drink, or any other object directly or indirectly from any patron;
 - (d) To place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity in violation of State Indecency/Lewdness laws.
- (13) Allowing a patron to touch in any manner any dancer, model, or performer; to place any money or object on or within the costume or person of any dancer, model, or performer; or to give or offer to give to any such dancer, model, or performer any drinks, money, or object.
- (14) Allowing operation of the business from 11 p.m. to 10 a.m.

3.32.5 Mandatory Design of Premises Conditions

- (1) Adult Business.
 - (a) In addition to all other requirements under this Ordinance, any applicant for a conditional use permit as an Adult Business shall also submit a diagram, drawn to scale, of the premises. The design and construction shall conform to the following:
 - (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
 - (2) Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas;
 - (3) For businesses which exclude minors from the entire premises all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;
 - (4) The diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.
 - (b) It shall be the duty of the permit holder and its employees to insure that the views

from the manager's station of all areas specified in section (1)(a) above remain

(c) Unobstructed by any doors, walls, merchandise, display racks or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(d) The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle measured at floor level. It shall be the duty of the permit holder and its employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises. Further, there shall be adequate outside lighting in such intensity to illuminate the parking lot which services the facility or business.

(e) There shall be no outside neon lighting or spotlighting of the building or facility.

(f) Outside signage shall be limited to signs which are affixed to the building or facility. Free standing signs or offsite signs are prohibited.

(2) Nude and Semi-Nude Entertainment Business.

(a) Adult Theaters shall require that the performance area shall be separated from the patrons by a minimum of six feet, which separation shall be delineated by a physical barrier at least three feet high.

(b) It is unlawful for business premises operating under a conditional use permit for Nude or Semi-Nude Entertainment to:

(1) Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;

(2) Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restrooms to be lockable from the inside;

(3) Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier;

(c) All illumination at the business premises must be sufficient so that all objects are plainly visible at all times.

3.32.6 Conditional Use Permit Required

Adult/sex oriented facilities and businesses are conditional uses in the Light Industrial Zone and must be approved in accordance with the provisions of this Ordinance. In all cases a site plan diagramming the premises shall be provided as part of the application process. A public hearing shall be required in all cases prior to conditional use approval. The procedures for conditional use approval, as described in the development code, shall be followed in all cases. A final decision by the City as to the approval of a conditional use for a SOB shall be made within 90 days of receipt of a completed application unless a delay is requested or agreed upon by the applicant.

3.32.7 Location and Zoning Restrictions

It shall be unlawful for any Adult/Sex Oriented Facility or Business to do business at any location within the City not zoned for such business and where the necessary conditional use has not been approved.

3.32.8 Business License Required

It shall be unlawful for any person to operate an Adult/Sex Oriented Facility or Business without first obtaining a business license from the City. Said licenses shall be issued in accordance with Coalville City Ordinance 1982-2, or its successor ordinance, after conditional use approval has been granted, and under the time limits therein provided.

3.32.9 Single Location and Name

It is unlawful to conduct business under a business license and conditional use approval pursuant to this Ordinance at any location other than the licensed/permitted premises. It is further unlawful for any Adult/Sex Oriented Facility or Business to do business under any name other than the business name specified in the license or project applications.

3.32.10 Transfer Limitations

Conditional Use Approvals and Business Licenses granted hereunder are not transferable. It shall be unlawful for an individual to transfer such approvals or licenses. It shall be unlawful for an adult/sex oriented facility or business conditional use approval held by a corporation, partnership or other non-corporate entity to transfer any part in excess of 10% thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in an Adult/Sex Oriented Facility or Business occurs, the conditional use approval is immediately null and void and the business shall not operate until a new conditional use approval has been properly granted by the City as herein provided.

3.32.11 Obscenity and Lewdness

This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

3.32.12 Alcohol Prohibited

It is unlawful for any business licensed or permitted pursuant to this Ordinance to allow the sale, storage, supply or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Adult/Sex Oriented Facility or Business.

3.32.13 Professional Service Exemption

This Ordinance shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

3.32.14 Nude Modeling/Escort Services

This Ordinance is not intended to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar state protections. The City does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling or escorting. A contract for nude modeling or escort services must be signed by the parties at least twenty-four (24) hours in advance of such activity. During such nude modeling or escort services it shall be unlawful to:

- (1) Appear nude or semi-nude in the presence of persons under the age of eighteen (18);
- (2) Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude;
- (3) Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;

- (4) Allow, offer, commit, or agree to any sex act as validly defined by city ordinance or state statute;
- (5) Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude; or
- (6) Allow, offer, or agree for the individual appearing nude to be within five feet of any other person while performing or while nude or semi-nude.

3.32.15 Nonconforming Uses

Adult/Sex Oriented Facilities and Businesses already existing within the City shall have the right to continue in their businesses without a conditional use permit. However, all such businesses shall be subject to compliance with the criteria, mandatory general conditions, and mandatory design of premise's conditions herein within ninety (90) days of the adoption of this Ordinance. A time extension may be granted where the City Council determines, on a case-by-case basis, that a hardship exists for a business owner/operator.

3.32.16 Change or Extension/Enlargement of Use

Any nonconforming use herein may not be materially changed, nor extended/enlarged unless it comes into compliance with the then existing Development Code.

3.32.17 Cessation of Use

If active and continuous operations are not carried on in a nonconforming use during a continuous period of one (1) year, the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

3.32.18 Dramatic Works Exception

This Ordinance shall not be construed so as to prohibit:

- (1) Plays, operas, musicals, films, or other dramatic works which are not obscene;
- (2) Classes, seminars, and lectures held for serious scientific or educational purposes; or
- (3) Exhibitions, dances, or works of art which are not obscene.

3.32.19 Employee Licenses

- (1) It is unlawful for any sexually-oriented business to employ or for any individual to be employed by an adult/sex-oriented facility or business in the capacity of a sexually-oriented business employee in Coalville City unless that employee first obtains a sexually-oriented business license from the City.
- (2) Before any applicant may be licensed as a sexually-oriented business employee, the applicant shall submit in writing to the City Recorder the following:
 - (a) The correct legal name of the applicant and any other names or aliases used by the individual;
 - (b) The applicants age, date and place of birth, height, weight, color of hair, color of eyes, present address and phone number, Utah driver's license or identification number, and social security number;

(c) Acceptable written proof that the applicant is at least eighteen years of age or, in the case of employees to be employed in businesses where a different age is required by law, proof of the required age;

(d) Two color photographs of the applicant clearly showing the individual's face, and the individual's fingerprints on forms provided by the Summit County Sheriff's Office. For persons not residing in Summit County, the photographs and fingerprints shall be on forms from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;

(e) For any applicant who works as a model, dancer, or escort, a certificate from the Summit County Health Department, stating that the individual has, within thirty days immediately preceding the date of the application, been examined and found to be free of the following contagious diseases: gonorrhea, syphilis, and chlamydia, and is negative for the AIDS antibody;

(f) A statement of the business, occupation or employment history of the applicant for five years immediately preceding the date of the filing of the application; and

(g) All criminal convictions or pleas of nolo contendere, except those which have been expunged, for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or nolo contendere and sentence of each conviction; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a sexually-oriented business employee license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the employee license.

(3) Each initial application shall be accompanied by a nonrefundable fee as fixed by the City to defray the costs of processing and investigating the application. Each applicant shall be required to pay regulatory license fees as fixed by the City on a yearly basis. These fees are regulatory fees and shall be in addition to the other licenses and fees required to do business in the City.

(4) The City Recorder shall issue a license to the applicant within thirty days after receipt of a complete application unless he or she finds one or more of the following:

(a) The applicant is under eighteen years of age or any higher age if the license sought requires a higher age;

(b) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to an adult/sex oriented facility or business;

(c) The applicant has falsely answered a material question or request for information as authorized by this Ordinance;

(d) The applicant has been convicted of a violation of a provision of this Ordinance or a similar ordinance from another jurisdiction within two years immediately preceding the application (the fact that a conviction is being appealed shall have no effect on the denial);

(e) The license fees required by this Ordinance have not been paid;

(f) An applicant has been convicted of or has pled nolo contendere to a crime;

(1) Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; public lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction regardless of the exact title of the offense for which:

i. Less than two years have elapsed from the date of conviction if the conviction is of a misdemeanor offense or less than five years if the convictions are of two or more misdemeanors within the five years, or

ii. Less than five years have elapsed from the date of conviction, if the offense is a felony.

(2) The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Ordinance.

(5) Sexually-oriented business employee licenses issued pursuant to this Ordinance shall be valid from the date of issuance through July 1st of the next calendar year.

(6) Any change in the information required to be submitted by this Ordinance shall be given, in writing, to the City Recorder within fourteen days after such change.

(7) Sexually-oriented business employee licenses shall not be transferable. It is unlawful for a sexually-oriented business employee to transfer such license to another. Any such transfer or attempted transfer shall render the license null and void. If such license is void, the employee may not reapply for a new license for one year.

(8) It is unlawful for any individual licensed pursuant to this Ordinance to fail to carry their employee license on their person, at all times while engaged in licensed activities within the City limits. If the individual is nude, such license shall be visibly displayed within the same room as the employee is performing. It is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the City limits upon request by the Summit County Sheriff's Office or other enforcement personnel or health official.

3.32.20 Penalties

(1) Violations of any of the provisions of this Ordinance shall subject the offender to the penalties as provided for in the Coalville City Development Code, other applicable State law, or where no penalty is otherwise provided, a fine of not more than \$750 and a 90 day jail sentence.

(2) Businesses in violation of this Ordinance shall be subject to license revocation. Such business shall also be subject to conditional use approval revocation. Where revocations occur, those businesses which are nonconforming under the current development code shall thereafter

cease to be legal nonconforming uses within Coalville City.

(3) Sexually-oriented Business Employees in violation of this Ordinance shall be subject to license revocation proceedings wherein a hearing by the City Council, or by an official whom the Council may designate, shall be afforded to the individual. The individual shall be given written notice of the violation and an opportunity to be heard before the Council or designated hearing official.

(4) It shall be unlawful to submit false or materially misleading information on or with a

Conditional Use Approval Application for an Adult/Sex Oriented Facility or Business or to fail to disclose or omit information for the purpose of obtaining said approval.

(5) Prior to any approval or license revocation hearing, as provided for by the Development Code, City Business License Ordinance, or this Ordinance, a stay of enforcement action shall be granted, pending the outcome of the hearing and subsequent appeals, upon written application to the City by the approval or license holder.

3.32.21 Right of Appeal

(1) All appeals from denials by the City Council of conditional use approvals shall be as provided in Section 1.16 of the Coalville City Development Code, and application section of the Utah Code Annotated to the District Court within thirty (30) days of the Planning Commission/City Council's final action.

(2) All appeals from denials by the City Recorder of sexually-oriented business employee licenses shall be to the City Council.

3.32.22 No Rights Created in Third Parties

This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties.

3.32.23 Savings Clause

In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

3.32.24 Conflict

Any Ordinance, Resolution, or any provision of the Coalville City Development Code which is inconsistent with this Ordinance is hereby repealed to the extent of that inconsistency.

3.33 Outdoor Lighting

3.33.1 Purpose

The purpose of this section is to regulate the use of outdoor artificial illuminating devices emitting undesirable light rays into the night sky or onto adjacent surrounding properties which has a detrimental effect on the rural, small-town character. Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazard to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants by requiring adequate levels of lighting.

3.33.2 Existing, Non-Conforming Lighting

Existing, non-conforming lighting may be maintained. However, any change to fixtures, lamps, bulbs, ballasts and poles beyond simple repair or upkeep of parts, shall require that the lighting be brought into conformance with the provisions of these standards.

3.33.3 Specific Standards for Lighting Applications and Fixtures

The following standards shall apply to lighting applications and fixtures for buildings, landscaping, parking lots and streets:

- a. All building wall-mounted fixtures shall not be located above twelve (12) feet as measured from grade to the top of the fixture or light source. The exception shall be those instances where there is a second-story access directly from the outdoors.
- b. All fixtures shall house a lamp or bulb, not exceeding 150 watts. Fixtures shall be cut-off variety with the light being directed downward.

- c. Timers and motion sensor devices shall be used wherever practical to minimize light pollution and unnecessary illumination during non-use time periods.
- d. Parking lot lighting, fixtures shall not exceed sixteen (16) feet above grade, as measured to the top of the fixture or light source.
- e. Road and street lighting fixtures shall not exceed twenty (20) feet above grade, as measured to the top of the fixture or light source.
- f. All sidewalks or pathway lighting fixtures shall not be mounted more than ten (10) feet above grade as measured to the top of the fixture or light source.
- g. All landscape lighting fixtures shall be located for illumination of the landscape material only with the light source not being readily visible.

3.33.4 Lighting Application Requirements

Any project including outdoor lighting shall require the following information be submitted as part of a building permit or project approval application:

- a. Lighting plans indicating the location on the project site and the type of illuminating devices, fixtures, lamp supports and other devices. Plans shall include manufacturer's specifications and drawings.
- b. The height, color, and material of the lighting fixtures, poles and devices, including wattage of lamps or bulbs.
- c. Such other information as the Community Development Director may determine is necessary to adequately review and address potential lighting impacts and ensure compliance with this section.

3.33.5 Exemptions

- a. Lighting necessary for construction or emergencies is exempt from the provisions herein, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- b. Exemptions or alternatives to the lighting standards specified herein may be considered by the Community Development Director if they are found to be in general compliance with the intent of this section.

Chapter 4

DUTIES, ROLES, and RESPONSIBILITIES of CITY COUNCIL, PLANNING COMMISSION and BOARD of ADJUSTMENT, and OTHER COMMITTEES, AS APPOINTED

This chapter delineates the duties, roles, and responsibilities of the City Council, Planning Commission, Board of Adjustment and any other committees appointed by the City Council in relation to this Development Code. This section may not include all functions performed by each of the governmental bodies listed above, but rather is limited to the scope of administering this Code.

Contents of this chapter

4.1 The City Council or Legislative Body	4-2
4.2 The Planning Commission	4-2
4.3 The Board of Adjustment	4-5
4.4 Community Development Director and Building Official	4-6
4.5 Required Permits	4-7
4.6 Penalties and Enforcement	4-7

4.1 The City Council or Legislative Body

The Coalville City Council, hereinafter referred to as City Council, Council, or Legislative Body shall have the following duties and responsibilities:

1. The Council shall adopt the Coalville City General Plan and all elements of the Coalville City General Plan.
2. The Council may initiate amendments to the text of this Code, the Zoning Map, the General Plan, and all elements of the General Plan following the procedures listed in section 1.5 herein.
3. The Council shall approve, deny, or amend and approve applications for development approval following a recommendation from the Planning Commission after the commission has completed project review outlined in subsection 4.2.7 herein.
4. The Council shall establish a fee schedule for applications for development approval, amendments to the text of this Code, the Zoning Map, the General Plan and all other approvals, permits, fees, and licenses required by this Code.
5. The Council shall designate and appoint a Community Development Director to decide routine and uncontested matters which otherwise would be heard by the Board of Adjustment.
6. The Council shall take other action not expressly delegated to the Community Development Director, Planning Commission or Board of Adjustment that may be desirable and necessary to implement the provisions of the Coalville City General Plan and this Code.

4.2 The Planning Commission

There is hereby created the Coalville City Planning Commission consisting of five members appointed by the Mayor with advice and consent of the Council. The Planning Commission, hereinafter referred to as the Planning Commission or Commission shall be organized and have the duties and responsibilities as indicated below.

4.2.1 Terms and Eligibility of Members

Each Member of the Planning Commission shall serve a term of three years. Members shall be appointed in December of the year upon the expiration of a current member. The terms shall be staggered so that no more than three members shall be appointed at the same time. Terms expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed and qualify. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacated term. Members of the Planning Commission shall be residents of or own property in Coalville, and have resided or owned property within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits or sale all property owned within the City.

4.2.2 Absence Deemed Resignation or Grounds for Removal

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings in a calendar year may be called before the City Council and asked to resign or be removed with cause by the Council.

4.2.3 Duties and Responsibilities

The Coalville Planning Commission, hereinafter referred to as Planning Commission, Commission, or Administrative Body, organized in accordance to § 10-9-201 et. seq. of the Utah Code 1996, as amended, shall have the following duties and responsibilities:

1. To prepare a General Plan, any maps required by the plan, and amendments to the General Plan and recommend the plan or amendments to the plan to the City Council.
2. To prepare this Development Code including zoning and subdivision regulations, any maps required by this Code, and amendments to this Development Code and recommend the code or amendments to the code to the City Council.
3. Administer provisions of this Development Code as provided in this Code and approved by the City Council.
4. Recommend approval or denial of project applications including annexations in accordance with this Development Code.
5. Advise the City Council on matters as the Council directs, and hear or decide any matters that the Council designates.
6. Exercise any other powers found in the adopted bylaws of the Planning Commission after approval by the City Council, or powers that are necessary to enable the Commission to perform its function or those designated to the Commission by the Council.
7. To enter upon any land, under consideration for approval or which has been given a Conditional Use Approval, at reasonable times, to make examinations and surveys.

4.2.4 Planning Commission Chair

The Planning Commission shall elect a Chair at the first meeting of the Commission each year and shall serve a term of one year. The Chair will direct all commission meetings and may participate in any discussions, be counted for the purpose of forming a quorum, and shall vote according to the Planning Commission bylaws, as adopted and approved by the City Council.

4.2.5 Staff

In order to assist the Planning Commission with its duties, the Commission may request the assistance of the City Recorder, other employees, committees or agents of the City. The City Staff shall assist the Commission with technical matters and attend Commission meetings to assist and advise the Commission when necessary. The Planning Commission may appoint a secretary to keep minutes and post agendas of meetings and hearings. The secretary may be paid for services rendered as agreed upon by the City Council.

4.2.6 Adoption of Bylaws

The Planning Commission shall adopt bylaws which establish procedures for meetings and hearings governing presentations of projects and public responses, and public input or comment on specific projects or general issues. Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per section 1.6 herein, and an annual meeting schedule will be posted and published at least once a year in a newspaper of general circulation.

The bylaws will also address the procedures for the keeping of records and minutes of meetings which will be made available, upon request, to the public for inspection. Additionally, the bylaws will provide guidelines for findings of decisions and recommendations, requirements for a quorum, and voting procedures.

4.2.7 Planning Commission Project Review

The Planning Commission will review each project application for compliance with all requirements and regulations of this Code, including, but not limited to the following:

4.2.7.1 City Comprehensive Planning and Zoning Review

The Planning Commission shall have the primary responsibility to initiate long-range planning for the City, including streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall

review proposed annexations to the City and recommend action and zoning on land to be annexed. The Commission shall initiate, hear or recommend zone changes and review development standards within zoning districts.

4.2.7.2 Subdivision Approval

The Planning Commission shall review all applications for subdivisions and commercial projects for compliance with the provisions of all applicable regulations of this Code. Following such review the Commission will forward a recommendation for approval or denial of all applications to the City Council.

4.2.7.3 Master Planned Developments Approval

All proposals for Master Planned Development approval shall be reviewed by the Planning Commission. Following such review the Commission shall forward a recommendation for approval or denial of all applications to the City Council.

4.2.7.4 Conditional Use Approval

The Planning Commission shall review all applications for conditional use approval for compliance with the provisions of all applicable regulations of this Code. Following such review the Commission shall forward a recommendation for approval or denial of all applications to the City Council.

4.2.8 Consent Agenda

Applications for approval of uncontested items may be placed on the consent agenda of the Planning Commission. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless the Commission believes discussion of a particular item is necessary. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the applicant requests the item to be tabled in order to prepare additional information.

4.2.9 Review of Staff Actions

At any time, an interested party may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Staff level on the matters at issue.

4.2.10 Plat Approval

The Commission shall review all plats to be recorded affecting land within the City limits or annexations to the City. The scope of review on plat approval is limited to finding substantial compliance with this Development Code, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission, have been satisfied. Upon finding that the plat is in compliance with all applicable federal and state laws and this code, and that conditions of approval have been satisfied, the plat shall be signed by the Commission Chair. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

4.2.11 Sensitive Lands Review

Any project containing designated sensitive lands, may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in Chapter 9 of this Code. The Planning Commission shall review required environmental impact studies with project applications as prescribed in Section 9.2 herein.

4.2.12 Right to Farm Review

Any project falling within the scope of Section 3.31 of this Code may be subject to additional requirements and regulations as outlined in the Right to Farm provisions. The Planning Commission shall review an agriculture impact analysis with project applications as prescribed in Section 3.31 herein.

4.2.13 Impact on Public Infrastructure

Any project subject to review and regulations for impact on public infrastructure as outlined in Section 1.13 of this code may require additional requirements and regulations. The Planning Commission shall review a public infrastructure analysis with project applications as described in Section 1.13 herein.

4.3 The Board of Adjustment

In accordance with § 10-9-701 et. seq. of the Utah Code 1996, as amended, there is hereby created a Board of Adjustment, which shall consist of five (5) members. There may also be appointed up to two non-voting alternate members to vote when a regular member is absent or unable to vote due to a conflict of interest. Members shall be appointed by the Mayor with the advice and consent of the City Council. All members of the Board of Adjustment shall reside in or be property owners within the City limits, and are deemed to have resigned if they move their residence or sell their property located in the City limits. The Board of Adjustment may be referred to herein as the Board of Adjustment, the Board, or the quasi-judicial body of Coalville City.

4.3.1 Term of Office

Each member of the Board of Adjustment shall serve for a term of five (5) years starting in January and ending in December or until a successor is appointed. Members of the Board so appointed shall be such that the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of any unexpired term.

4.3.2 Absence Deemed Resignation or Grounds for Removal

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Council.

4.3.3 Organization

The Board of Adjustment shall organize and elect a chair, adopt bylaws that have been approved by the City Council, and adopt any additional rules for its own proceedings as are deemed necessary. No business shall be conducted unless at least three members of the Board, not counting any alternate member, are present.

4.3.4 Meetings

Meetings of the Board shall be held once per month or at the call of the Chair at such other times as the Board may determine. The Chair, or acting Chair of the Board of Adjustment, may administer oaths and compel the attendance of witnesses at meetings, and all meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions or, if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the City Recorder and shall be public record. All meetings and hearings will be posted and noticed as per section 1.6 of this Code. An annual schedule of meetings will be published at least once annually, in a newspaper of general circulation.

4.3.5 Hearings Before the Board of Adjustment

The Board of Adjustments is created to hear four classifications of cases as follows:

4.3.5.1 Variance Applications

Whenever any application or permit has been stayed or denied by the Planning Commission or City Staff on the basis that approval of the requested permit or application would violate the provisions of this Code relating to set back, building height, lot size, site requirements, parking requirements, or similar provision of this Code that has the effect of depriving the applicant of the reasonable use of property, when others similarly situated are entitled to make such use of their property, the Board may hear the matter, and grant a variance from the strict enforcement of this Code. In all cases of variances before the Board, the applicant shall bear the burden of proof. In order to grant a variance the Board must find all of the following to be true of the application for a variance:

1. Literal enforcement of this Development Code would cause unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Code.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not be inconsistent with the goals, objectives and policies of the General Plan and will not be contrary to the public interest.
5. The spirit of this Development Code is observed and substantial justice done.

In determining whether or not enforcement of this Development Code would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship exists unless the alleged hardship is located on or associated with the property for which a variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

The Board of Adjustment may not find an unreasonable hardship exists if the alleged hardship is self-imposed or economic.

In exercising the above-mentioned powers the Board may, in conformity with the provisions of this Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official, commission or board from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, commission or board, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

4.3.5.2 Modifications of Non-conforming Uses

The Board shall rule on all requests for enlargements, modifications, or changes in the character of any nonconforming use, and determine whether the use is nonconforming, a violation of this Code, or an allowable use within the zone. Non-conforming uses are addressed in Section 1.22 of this Code.

4.3.5.3 Appeals

The Board shall hear and decide appeals where any party with standing as defined in Section 1.16 of this Code alleges that there is an error in any order, requirement, decision or determination made by the Staff, Planning Commission or City Council in the enforcement of § 10-9-101 et. seq. of the Utah Code 1996, as amended, this Development Code, or any City ordinance.

4.3.5.4 Special Exceptions

The Board may hear applications for special exceptions to the provisions of this Code which apply to variances, modifications of nonconforming uses, appeals and other matters upon which the Board is required to pass judgment under this Code.

4.3.6 Judicial Review of Board of Adjustment Decisions

The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in the appropriate District Court provided petition for such relief is presented to the court within thirty (30) days after the filing of such Board decision with the City Recorder. The City Council may not over-ride a decision properly made by the Board of Adjustment.

4.4 Community Development Director and Building Official

4.4.1 Community Development Director

The Community Development Director shall, when deemed appropriate, recommend action to the Planning Commission, Board of Adjustment, and City Council in order to enforce this Code or other land use related ordinances or regulations. The Community Development Director, under the supervision of the Mayor and City Council shall determine when violations exist, when enforcement actions should be taken, and when a development is in substantial compliance with this Code. The Community Development Director shall also advise applicants, City Staff, Planning Commission, City Council and the Board of Adjustment as to submission requirements, compliance and procedural matters as related to this Code as well as the interpretation of code provisions.

4.4.2 City Building Official

The City Building Official shall operate under the supervision of the Mayor and City Council and is charged with building and other related enforcement duties of this code, as well as issuance, revocation and administration of building and occupancy permits as per this code and Building Codes in effect. The Building Official is also in charge of building or use inspections. All building inspectors shall work under the direction of the Building Official.

4.5 Required Permits**4.5.1 Zoning and Building Permits**

Construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition of any building or structure or any part thereof, as provided for or as restricted in this Code and the Building Code, shall not be commenced except as approved by the City for compliance with this Code and a building permit has been issued.

4.5.2 Occupancy Permit

Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this Code and all related ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit is also required whenever use or character of any building or land is to be changed.

4.5.3 Inspection

The City Staff, or designated officials, shall, upon presentation of evidence of authority, have the right of access to any premises at reasonable times for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

4.5.4 Site Plan Required

Building and project plans submitted to the City shall include a detailed site plan, drawn to scale, and filed, as part of any application for a building permit.

4.6 Penalties and Enforcement

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the City, or by affected property owners in the manner set forth below:

4.6.1 Criminal Citations

The Community Development Director, Building Official City, Attorney, or other designated City official may, when there is probable cause to believe that development activity or construction has occurred in violation of this Code, issue a citation, levy fines and swear out criminal complaints

against the appropriate individuals and business entities. Specific approval from the City Council for such misdemeanor citations is not required.

4.6.2 Civil Actions

The City Attorney, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Community Development Director, Building Official, City Attorney or other designated City official may recommend such actions at any time to the City Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

4.6.3 Third Party Actions

Individuals affected by zoning violations within Coalville City shall have the right to maintain private actions to enforce this Code without joining the City as a party.

4.6.4 Violations

Violations of this Code are Class "C" misdemeanors, and are punishable by a fine and/or imprisonment. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this Code if they had knowledge of the act committed, and the owner of the property is presumed to have knowledge of the uses of that property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

4.6.5 Fines

Fines may be levied by the City in conjunction with a citation for a violation of this Code for each day the violation persists. Such fines shall be levied in accordance with Appendix C.

Chapter 5

ZONE DISTRICTS and REGULATIONS

The regulations set forth in this chapter address each of the Zone Districts and describe the various uses, both permitted and conditional allowed in each zone. Uses not expressly listed as a permitted or conditional use and are not similar in nature and character as other listed uses are not allowed in the zone. Any applicant desiring a use not similar in nature and character as other uses listed and is not expressly allowed must complete the provisions for a Code amendment in accordance with Section 1.5 herein.

For a determination of whether a use that is similar in nature and character of other uses listed, the applicant shall apply for a written determination from the Planning Commission in accordance with Section 1.26 herein. In no case shall the Planning Commission approve a use that is not similar in nature and character as other permitted or conditional uses in the zone district without following the correct Code amendment procedure found in Section 1.5 herein.

Overlay Zones are also addressed in this chapter.

Contents of this chapter

5.1	Agricultural Zone	5-2
5.2	Residential Zones	5-5
5.3	Commercial Zones	5-12
5.4	Light Industrial Zone	5-16
5.5	Public Facilities Overlay Zone	5-18
5.6	Sensitive Lands Overlay Zone	5-20

5.1 Agricultural Zone

The Agricultural Zone, also known and referred to as the AG Zone, is established to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the City limits. The AG Zone is intended to protect agricultural uses, natural resources, and environmentally sensitive lands from encroachment of urban development. Uses permitted in the AG Zone, in addition to agricultural uses, should be incidental thereto and should not change the basic agricultural character of the zone. Clustering of homes is encouraged to maximize the amount of open and usable agricultural space. Conversion of the AG Zone to zones allowing urban uses should be accomplished in an orderly and careful manner consistent with the General Plan, while minimizing "leap-frog" development patterns.

5.1.1 Permitted Uses

The following characteristic uses of land are permitted in the AG Zone:

1. Dwellings, single family detached
2. Dwellings, accessory
3. Accessory structures and uses
4. Agriculture buildings and uses customarily associated with traditional agriculture operations
5. Home occupations as regulated by the business license requirements of the City and this Code.
6. Trails and open space, Agriculture and Natural
7. Household pets

5.1.2 Conditional Uses

The Planning Commission may recommend Conditional Use Approval for the following uses of land in the AG Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended
2. Public uses
3. Quasi-public uses
4. Animal specialties
5. Nursery/Greenhouse
6. Recreation facilities or uses
7. Communications, substations/facilities.

5.1.3 Lot Area and Density

Applicants for subdivision approval in the AG Zone are entitled to one (1) unit per twenty (20) acres. Lots or parcels should be arranged in a manner that encourages the retention of open and

usable agricultural land. Although clustering of lots is not required, if the applicant chooses not to cluster, evidence and information as to why the lots or parcels will not be clustered should be provided to the Planning Commission. Lots or parcels created under the provisions of this code in the AG Zone shall contain a minimum one (1) acre.

Open space created by the clustering of lots or parcels shall be clearly indicated on the subdivision plat and all recorded deeds of the subject property. Deed and/or plat restrictions, donation to an approved land trust or the City, or other development restrictions satisfactory to the Planning Commission and City Council shall be required for land designated as open space. Development on land designated as open space will require, at a minimum, a plat amendment and possibly a zone change either of which may be denied by the City.

5.1.4 Lot Frontage

All lots developed for residential use in the AG Zone shall abut along the right-of-way line of a public street or private road for a minimum distance of one hundred fifty (150) feet or be accessed by a private driveway.

5.1.5 Prior Created Lots of Record

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for reason of non-conformance with the parcel or density requirements of this Chapter and are declared a legal nonconforming use under this Code.

5.1.6 One Dwelling Per Lot

Not more than one (1) primary single-family dwelling and accompanying accessory dwelling may be placed upon a lot or parcel of land in the AG Zone.

5.1.7 Yard Requirements for Dwellings and Main Buildings

The following yard setback requirements for dwellings and main buildings shall apply on all lots in the AG Zone:

5.1.7.1 Front Yard Set Back

The minimum front yard setback for all buildings in the AG Zone shall be fifty (50) feet.

5.1.7.2 Side Yard Set Back

The minimum side yard setback for all primary buildings in the AG Zone shall be twelve (12) feet.

5.1.7.3 Side Yard Set Back on Corner Lots

The minimum side yard setback for all buildings on corner lots in the AG Zone shall be twelve (12) feet on the side adjoining another lot and fifty (50) feet on the side adjoining the street.

5.1.7.4 Rear Yard Setback

The minimum rear yard setback for all buildings in the AG Zone shall be twenty four (24) feet.

5.1.7.5 Easements

No dwelling or main building shall be located within a platted easement area of any kind.

5.1.8 Yard Requirements for Accessory Buildings

The following yard setback requirements for accessory buildings shall apply in the AG Zone:

5.1.8.1 Front Yard Setback

The minimum front yard setback for all accessory buildings in the AG Zone shall be fifty (50) feet.

5.1.8.2 Side Yard Setback

An accessory building may be located in a side yard no closer than three (3) feet from the side property line, except that an accessory building may not be located in the required street side yard setback of a corner lot.

5.1.8.3 Rear Yard Setback

An accessory building may be located in a rear yard no closer than three (3) feet from the rear property line.

5.1.8.4 Setbacks for Accessory Buildings Sixteen Feet or More in Height

Accessory buildings exceeding sixteen (16) feet in height shall be required to meet the setback requirements of primary dwellings.

5.1.8.5 Setbacks for Accessory Buildings for Animals

Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling.

5.1.8.6 Easements

No permanent accessory building shall be located within a platted easement area of any kind.

5.1.9 Projections into Setback Areas

The following structures may be erected on or projected into any required setback area:

1. Fences and walls in conformance with this Code or other City ordinances. No fence or wall shall exceed four (4) feet in height in the required front yard setback or six (6) feet in height elsewhere on the lot unless the applicant applies for and receives a Conditional Use Approval in accordance with Section 1.14 herein.
2. Landscape elements including trees, shrubs, agricultural crops and other plants in conformance with this Code or other City ordinances.
3. Necessary appurtenances for utility service.

5.1.10 Building Height

No lot or parcel of land in the Agricultural Zone shall have a building which exceeds a height of thirty (30) feet, except that silos, windmills, and other agricultural related accessory structures not used for human occupancy may exceed thirty (30) feet in height. All structures over thirty (30) feet will require a Conditional Use Approval.

5.1.11 Parking and Access

Each lot or parcel on which a single family dwelling is located shall have on the same lot or parcel a minimum of two (2) off-street parking spaces.

5.1.12 Private Access

No more than three (3) homes may be constructed on a private road or a road with only one point of ingress or egress in the AG Zone. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

5.1.13 Trash, Waste Storage and Abandoned Vehicles

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipment shall be placed on any public sidewalk or stored in any required yard setback area. All such materials must be screened from public streets and adjacent property. All trash storage areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or

landscaping methods. No hazardous materials or chemicals shall be stored in areas that do not meet health department regulations or are accessible to the public.

5.2 Residential Zones

5.2.1 Purpose, Scope and Objectives

The purpose of the residential zones is to create orderly, efficient, and appropriate residential developments, and to assign density to each zone. This section includes a general description and the permitted and conditional uses in each residential zone. The following residential zones are hereby created under this Code and may be collectively referred to as the residential zones or the R-Zones:

5.2.2 RA - RESIDENTIAL AGRICULTURE ZONE

The Residential Agriculture Zone, hereinafter also referred to as the RA Zone, is established to provide areas where single family residential development and associated uses may be harmoniously integrated with agricultural pursuits. This zone is intended to allow the keeping of farm animals in conjunction with single-family dwelling units, yet retain land in parcels large enough to provide efficient and attractive development or as clustered developments to encourage natural or agricultural open spaces. The RA Zone is also intended to accommodate equestrian oriented residential developments, allowing a design which could include non-commercial stables, training areas and equestrian or pedestrian trails as an integral part of the development.

5.2.2.1 Permitted Uses

The following characteristic uses of land, are permitted uses in the Residential Agricultural Zone:

1. Dwellings, single family detached
2. Dwellings, accessory
3. Accessory structures and uses
4. Home Occupations, as regulated by the business license requirements of the City and this Code
5. Trails and open space, Agriculture and Natural
6. Agriculture buildings and uses customarily associated with traditional agriculture operations
7. Household Pets
8. Equestrian facilities, riding academies, schools and associated stables

5.2.2.2 Conditional Uses

The Planning Commission may recommend Conditional Use Approval for the following uses of land in the Residential Agricultural Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended
2. Dude/Guest Ranch
3. Boarding House

4. Animal Specialties
5. Nursery/Greenhouse
6. Bed and Breakfast Inn
7. Public Uses
8. Quasi-Public Uses
9. Recreation, facilities or uses

5.2.3 R-1 LOW DENSITY RESIDENTIAL ZONE

The Low Density Residential Zone, hereinafter also referred to as the R-1 Zone, is established to provide areas of the community characterized by low density single family developments. This zone is intended to be residential in nature although typical domesticated farm animals are allowed in limited numbers. Developments in this zone are characterized by attractively landscaped single family residential lots and structures located on large lots or clustered lots with natural open space.

5.2.3.1 Permitted Uses

The following characteristic uses of land are permitted in the Low Density Residential Zone:

1. Dwellings, single family detached.
2. Dwelling, accessory
3. Accessory structures and uses
4. Home occupations, as regulated by the business license requirement of the City and this Code
5. Trails and open space, Agriculture and Natural
6. Typical domesticated farm animals including horses, sheep and cattle provided that no more than two (2) farm animals per acre are kept at any one time. More than two (2) farm animals per acre would require Conditional Use Approval in accordance with Section 1.14 herein. In no case shall more than five (5) animals per acre be approved in the Low Density Residential Zone.
7. Agriculture buildings and uses customarily associated with traditional agriculture operations
8. Household pets

5.2.3.2 Conditional Uses

The Planning Commission may recommend Conditional Use Approval for the following uses of land in the Low Density Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended
2. Public uses
3. Quasi-public uses

4. Animal Specialties
5. Bed and Breakfast Inn
6. Nursery/Greenhouse
7. Recreation, facilities or uses
8. More than two (2) domesticated farm animals per acre
9. Equestrian facilities, riding academy, schools and associated stables

5.2.4 R-2 MEDIUM DENSITY RESIDENTIAL ZONE

The Medium Density Residential Zone, hereinafter also referred to as the R-2 Zone, is established to provide areas of the community characterized by medium density single family developments. This zone is residential in nature and typical domesticated farm animals are not allowed except as approved as a conditional use for no more than two (2) farm animals per acre.

Developments in this zone are characterized by attractively landscaped single family residential lots and structures located on medium sized lots or clustered lots with natural open space.

5.2.4.1 Permitted Uses

The following characteristic uses of land are permitted in the Medium Density Residential Zone:

1. Dwellings, single family detached
2. Dwelling, accessory
3. Accessory structures and uses
4. Home Occupations, as regulated by the business license requirement of the City and this Code
5. Trails and open space, Agriculture and Natural
6. Household pets

5.2.4.2 Conditional Uses

The Planning Commission may recommend Conditional Use Approval for the following uses of land in the Medium Density Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended
2. Dwellings, two family attached
3. Public uses
4. Quasi-Public uses
5. Recreation, facilities or uses
6. Agriculture buildings and uses customarily associated with traditional agriculture operations
7. Typical domesticated farm animals, including horses, sheep and cattle provided that no more than two (2) farm animals per acre are kept at any one time

8. Bed and Breakfast Inns

5.2.5 R-4 HIGH DENSITY RESIDENTIAL ZONE

The High Density Residential Zone, hereinafter also referred to as the R-4 Zone, is established to provide areas of the community characterized by higher density single family and two family developments. This zone is residential in nature and typical domesticated farm animals are not allowed. Developments in this zone are characterized by attractively landscaped single family and two family residential dwellings located on relatively small lots or clustered lots to provide open space.

5.2.5.1 Permitted Uses

The following characteristic uses of land are permitted in the High Density Residential Zone:

1. Dwellings, single family detached
2. Dwelling, accessory
3. Dwellings, two family attached
4. Accessory structures and uses
5. Home Occupations, as regulated by the business license requirements of the City and this Code
6. Trails and open space, Natural
7. Household Pets

5.2.5.2 Conditional Uses

The Planning Commission may recommend Conditional Use Approval for the following uses of land in the High Density Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended
2. Dwellings, multi-family attached
3. Public Uses
4. Quasi-Public Uses
5. Recreation, facilities or uses
6. Bed and Breakfast Inns
7. Mobile and manufactured home parks and subdivisions

5.2.6 R-8 VERY HIGH DENSITY RESIDENTIAL ZONE

The Very High Density Residential Zone, hereinafter also referred to as the R-8 Zone, is established to provide areas of the community characterized by high density developments. This zone is residential in nature and typical domesticated farm animals are not allowed. Developments in this zone are characterized by attractively landscaped multi-family residential dwellings located in a planned project providing for recreational amenities and open spaces.

5.2.6.1 Permitted Uses

The following characteristic uses of land are permitted in the Very High Density Residential Zone:

1. Dwellings, single family detached
2. Dwellings, two family attached
3. Dwellings, accessory
4. Accessory structures and uses
5. Home Occupations, as regulated by the business license requirements of the City and this Code
6. Trails and open space, Natural
7. Bed and Breakfast Inns
8. Recreation, facilities or uses

5.2.6.2 Conditional Uses

The Planning Commission may recommend Conditional Use Approval for the following uses of land in the Very High Density Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended
2. Public Uses
3. Quasi-Public Uses
4. Sanitariums, convalescent and rest home services
5. Mobile and manufactured home parks and subdivisions
6. Child Care Centers
7. Dwellings, multi-family attached

5.2.7 RESIDENTIAL ZONES REGULATIONS**5.2.7.1 Lot Area and Density**

The minimum area of any single lot or parcel and the density of dwellings per acre in all residential zones is indicated in the table below. The 'Zone' column in the table represents the particular residential zone. The 'Minimum Lot Size' column in the table represents the minimum size lot allowed in the zone. The 'Density' column in the table represents the number of dwellings per acre allowed in each zone.

Zone	Minimum Lot Size	Density (dwellings per acre)
Agricultural, AG	1 Acre	1 Dwelling Per Twenty Acres
Residential Agricultural, RA	3/4 Acre	1 Dwelling Per Five Acres
Low Density Residential, R-1	1/2 Acre	1 Dwelling Per Acre
Medium Density Residential,	1/3 Acre	2 Dwellings Per Acre

Zone	Minimum Lot Size	Density (dwellings per acre)
R-2		
High Density Residential, R-4	1/4 Acre	4 Dwellings Per Acre
Very High Density Residential, R-8	1/8 Acre	8 Dwellings Per Acre

5.2.7.2 Density of Residential Housing Developments

To encourage the preservation of agricultural and natural open space, enhance its profitability, minimize the cost of public services, reduce yard sizes to conserve water and improve landscaping quality and to discourage evenly spaced development running along public streets, clustered residential housing may be approved as a Master Planned Development in accordance with Chapter 7 herein.

5.2.7.3 Lot Frontage

Each residential lot, parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of one hundred (100) feet or be accessed by a private driveway, except for a cluster type subdivision of a Master Planned Development (MPD).

5.2.7.4 Lots of Record

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared a legal Non-conforming Use in accordance with Section 1.22 herein.

5.2.7.5 One Dwelling Per Lot

Not more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

5.2.7.6 Yard Requirements - Dwellings and Primary Buildings

The following yard set-back requirements shall apply to all dwellings and primary buildings on residential lots.

5.2.7.6.1 Front Yard Setback

The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

5.2.7.6.2 Side Yard Setback

The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street.

5.2.7.6.3 Rear Yard Setback

The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

5.2.7.6.4 Easements

No dwelling or main building shall be located within a platted easement area of any kind.

5.2.7.6.5 Setback for Accessory Buildings

An accessory building, allowed by this Code shall be located no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in front of

the residential dwelling, in the front setback, or in the required side yard setback of a corner lot on the side facing the street.

Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling. No permanent accessory building shall be located within a platted easement area of any kind.

Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling.

5.2.7.7 Projections into Yards

The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with this Code
2. Landscape elements including trees, shrubs, agricultural crops and other plants
3. Necessary appurtenances for utility service

5.2.7.7.1 Exemptions to Project into Yards

The structures listed below may project into a minimum front or rear yard not more than four (4) feet and into a minimum side yard not more than two (2) feet. See the Supplemental Regulations for more detailed regulations:

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features
2. Fireplace structures and bays, provided that they are not wider than eight (8) feet measured generally parallel to the wall of which they are a part
3. Stairways, balconies, door stoops, fire escapes, awnings, porches and patio covers
4. Planting boxes not exceeding twenty four (24) inches in height

5.2.7.8 Height and Building Location

No lot or parcel of land in the Residential Zones shall have a building which exceeds a height of thirty (30) feet.

5.2.7.9 Parking

All residential dwellings must comply with the off-street parking provisions found in Section 3.28 herein. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

5.2.7.10 Access

No more than three (3) homes may be constructed on a public street or a private road with only one point of ingress or egress. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them. Additionally, the City must be given the authority and ability to use a private road at any time for public safety purposes, including keys to any locked gates.

5.2.7.11 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials.

5.2.7.12 Location of Boats, Trailers, Campers, and Motor Homes

Boats, trailers, campers and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot in excess of twenty four (24) hours, except that a vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter. A motor home or RV may be occupied by a guest or guests of the resident for up to (7) consecutive days per calendar quarter.

5.2.7.13 Storage of Commercial Vehicles

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight exceeding twelve thousand (12,000) pounds shall be stored or parked in the front or side yard setback of any residential lot or parcel except the Agriculture and Residential Agriculture Zones.

5.2.7.14 Trash, Waste Storage and Abandoned Vehicles

No trash, used materials, wrecked, or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas. All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

5.3 Commercial Zones

5.3.1 Purpose, Scope and Objectives

The purpose of the Commercial Zones is to create orderly, efficient, aesthetic and appropriate commercial developments which will support and enhance the Coalville City Community. This section includes the general description and permitted and conditional uses in each Commercial Zone. To preserve the rural, small-town character of the community, commercial and retail stores larger than twenty-five thousand (25,000) square feet are prohibited in Coalville City. The following Commercial Zones are hereby created under this Code and may be collectively referred to as the Commercial Zones.

5.3.2 CC - COMMUNITY COMMERCIAL ZONE

The Community Commercial Zone, hereinafter also referred to as the CC Zone, is established to encourage commercial and retail development. Businesses that provide services directly to the residents of Coalville will be highly encouraged. Transportation, parking and other site design issues may limit the types of businesses approved in the CC Zone. The location of the CC Zone is designed to provide a focal point for the community center of Coalville City and provide convenient pedestrian and vehicle access without hazards and conflicts in residential neighborhoods. The provisions contained herein will be used to encourage greater integrity and aesthetic improvements as these areas are developed, redeveloped and improved. Integrated and coordinated landscaping, parking, access, signing and building designs will be considered. New construction should be in harmony with the historic characteristics of the community. The uses characteristic of this zone are small retail, office, business and service stores and shops. Parking must conform to Section 3.28 herein and is encouraged to be located at the side or behind the building. This zone is commercial in nature and typical domesticated farm animals are not allowed.

Special approval procedures, landscaping requirements and design guidelines are applicable in the CC Zone. These regulations can be found in Chapter 8 herein.

5.3.2.1 Permitted Uses

The following general use categories require Permitted Use Approval in the CC Zone in accordance with Section 1.12 herein:

1. Commercial, retail stores and other structures smaller than ten thousand (10,000) square feet
2. Barber shops and hair salons
3. Restaurants and other eating establishments, except that fast food and drive-through restaurants require a Conditional Use Approval in accordance with Section 1.14 herein
4. Banks, financial institutions, business and other professional offices
5. Gas stations, except that any repair shops or car washes require a Conditional Use Approval in accordance with Section 1.14 herein
6. Trails and open space, Natural
7. Accessory structures and uses
8. Child Care Centers
9. Bed and Breakfast Inn
10. Hotels and Motels
11. Nursing Home
12. Open Space, Recreation
13. Recreation facilities or uses
14. Laundromats
15. Dwellings, single family detached (except within Historic District of Main Street)
16. Dwellings, two family attached (except within Historic District of Main Street)

5.3.2.2 Conditional Uses

The following general use categories require Conditional Use Approval in the CC Zone in accordance with Section 1.14 herein:

1. Commercial, Retail stores and other structures larger than ten thousand (10,000) square feet and smaller than twenty-five thousand (25,000) square feet.
2. Fast food and drive-through restaurants
3. Gas stations, auto repair shops or service centers and similar facilities, including car washes
4. Storage facilities
5. Public Uses
6. Quasi-Public Uses

7. Dwellings, single family detached (within Historic District of Main Street)
8. Dwellings, two-family attached (within Historic District of Main Street)
9. Dwellings, multi-family attached (up to eight (8) dwellings per acre)
10. Buildings over thirty (30) feet in height
11. Liquor stores or private clubs

5.3.3 HC - HIGHWAY COMMERCIAL ZONE

The Highway Commercial Zone, also referred to as the HC Zone is established to provide for the service commercial needs of motorists on Interstate 80. The location of the HC Zone is in close proximity to the off-ramps of Interstate 80 which provide convenient access for higher traffic volumes without hazards and without traversing through residential areas. The uses characteristic of this zone are highway service, limited retail, convenience stores, and shops. Sign standards are provided for in HC Zone to provide adequate identification and advertising from the Interstate 80 corridor. This zone is commercial in nature and typical domesticated farm animals are not allowed.

Special approval procedures, landscaping requirements and design guidelines are applicable in the HC Zone. These regulations can be found in Chapter 8 herein.

5.3.3.1 Permitted Uses in HC Zone

The following general use categories require Permitted Use Approval in the HC Zone in accordance with Section 1.12 herein:

1. Gas Stations, including repair shops and car washes
2. Truck Stops
3. Financial, Business and other Professional Offices
4. Laundromats
5. Service commercial, retail, convenience stores and other structures smaller than ten thousand (10,000) square feet
6. Restaurants and other eating establishments including fast food and drive-through restaurants
7. Bed and Breakfast Inns
8. Hotels and Motels
9. Trails and Open Space, Natural
10. Accessory structures and uses
11. Dwelling, single-family detached
12. Dwellings, two-family attached

5.3.3.2 Conditional Uses

The following general use categories require conditional use approval in the HC Zone in accordance with Section 1.14 herein.

1. Service commercial, retail, convenience stores and other similar structures larger than ten thousand (10,000) square feet and smaller than twenty-five thousand (25,000) square feet
2. Warehouse and/or other storage facilities and distribution centers.
3. Automotive sales
4. Public Uses
5. Quasi-Public Uses
6. Dwellings, multi-family attached (up to eight (8) dwellings per acre)
7. Commercial RV Parks or Campgrounds
8. Recreation, facilities or uses
9. Buildings over thirty (30) feet in height
10. Liquor stores or private clubs

5.3.4 COMMERCIAL ZONES REGULATIONS

5.3.4.1 Permitted Commercial Accessory Uses and Structures

Commercial Accessory uses and structures are permitted in the Commercial Zones in accordance with Section 1.12 herein provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the Commercial Zones.
2. Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period.

5.3.4.2 Lot Area

Lot area requirements in the Commercial Zones shall be dictated by off-street parking, adequate circulation, and site design requirements. The maximum floor area ratio shall not exceed sixty percent (60%) of the lot or parcel.

5.3.4.3 Lot Width

There shall be no requirements for lot width, provided all off-street parking and circulation regulations can be satisfied.

5.3.4.4 Lot Frontage

Each lot or parcel of land in the Commercial Zones shall have frontage on a public street except for residential lots which are accessed by a private driveway.

5.3.4.5 Setback Requirements

The following setback requirements shall apply to all primary structures in the Commercial Zones:

5.3.4.5.1 Front-Yard Setback

Each primary structure in the Commercial Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street. Commercial structures within the Historic District along Main Street do not require a front setback and may be located adjacent to the public sidewalk.

5.3.4.5.2 Side-Yard Setback

Each primary structure in the Commercial Zones shall be located at least twelve (12) feet from the nearest building and no less than three (3) feet from the property line.

5.3.4.5.3 Rear-Yard Setback

Each primary structure in the Commercial Zones shall be located at least twenty-four (24) feet from the rear property line or adjacent building in order to provide for adequate alleyways for deliveries.

5.3.4.5.4 Easements

No Primary Structure shall be located within a platted easement area of any kind.

5.3.4.5.5 Setback for Accessory Buildings

Accessory building described in Section 5.3.4 herein shall be located no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in the front of the primary commercial structure in the front setback or in the required side-yard setback of a corner lot on the side facing the street.

5.3.4.6 Building Height

Buildings in the Commercial Zones shall not exceed thirty (30) feet. Any building over thirty (30) feet in height in the Commercial Zones shall be a Conditional Use and shall not exceed fifty (50) feet in height from natural grade to the tallest portion of the building.

5.3.4.7 Parking, Loading, and Access

All parking spaces shall be paved with asphaltic cement or concrete, and shall be constructed with adequate drainage which shall not run across a public sidewalk or street. Parking spaces shall be located no closer than ten (10) feet from any public street within a required front or side setback.

5.3.4.8 Signs

All signs erected in the Commercial Zones shall be in conformance with the sign provisions of Section 3.28 of this Code.

5.3.4.9 Trash, Waste Storage and Abandoned Vehicles

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required front yard setback area. All such materials must be screened from public streets and adjacent property located within the Commercial Zones with an opaque fence or wall, or must be stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

5.4 Light Industrial Zone

The Light Industrial Zone, hereinafter also referred to as the LI Zone, is established to provide for light manufacturing and industrial development. Integrated and coordinated landscaping, berming, parking vehicle egress and ingress, signage and building design will be considered to provide a business park like setting that will compliment the Coalville City Community.

Special approval procedures, landscaping requirements and design guidelines are applicable to the LI Zone and shall follow the commercial and light industrial regulations found in Chapter 8 herein.

5.4.1 Permitted Uses

The following general use categories require Permitted Use Approval in the LI Zone in accordance with Section 1.12 herein:

1. Light manufacturing
2. Custom manufacturing
3. Printing and publishing facilities
4. Financial, Business and other Professional Offices
5. Warehousing and wholesale distribution
6. Storage facilities
7. Retail distribution
8. Construction sales and service
9. Commercial, industrial uses
10. Trails and Open Space, Natural
11. Accessory structures and uses
12. Recreation, facilities or uses

5.4.2 Conditional Uses

The following general use categories require conditional use approval in the LI Zone in accordance with Section 1.14 herein.

1. Warehouse retail
2. Public Uses
3. Quasi-Public Uses
4. Buildings which exceed thirty (30) feet in height
5. Residential dwellings (up to four (4) dwellings per acre)
6. Adult/Sex Oriented Facilities and Businesses

5.4.3 Permitted Light Industrial Accessory Uses and Structures

Light Industrial Accessory uses and structures are permitted in the LI Zone provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the LI Zone.

2. Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period.

5.4.4 Lot Area

Lot area requirements in the LI Zone shall be dictated by off-street parking, adequate circulation, and site design requirements.

5.4.5 Lot Width

There shall be no requirements for lot width, provided all off-street parking and circulation requirements can be satisfied.

5.4.6 Lot Frontage

Each lot or parcel of land in the LI Zone shall have frontage on a public street for a minimum distance of fifty (50) feet.

5.4.7 Setback Requirements

The following setback requirements shall apply in the LI Zone:

5.4.7.1 Front-Yard Setback

Each primary structure in the LI Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street.

5.4.7.2 Side-Yard Setback

Each primary structure in the LI Zones shall be located at least twelve (12) feet from the nearest building or property line.

5.4.7.3 Rear-Yard Setback

Each primary structure in the LI Zones shall be located at least twenty-four (24) feet from the rear property line in order to provide for adequate alleyways for loading and deliveries.

5.4.7.4 Easements

No Primary Structure shall be located within a platted easement area of any kind.

5.4.7.5 Setback for Accessory Buildings

Accessory building described in Section 5.3.4 herein shall be located no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in the front of the primary light industrial structure in the front setback or in the required side-yard setback of a corner lot on the side facing the street.

5.4.8 Building Height

Buildings in the LI Zone should not exceed thirty (30) feet. Any building design over thirty (30) feet in height shall be a Conditional Use. No building in the LI Zone shall exceed fifty (50) feet in height from natural grade to the tallest portion of the building.

5.4.9 Parking, Loading, and Access

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall be located no closer than ten (10) feet from any public street within a required front or side setback.

5.4.10 Signs

All signs erected in the LI Zone shall be in conformance with the sign provisions of Section 3.28 of this Code.

5.4.11 Trash, Waste Storage and Abandoned Vehicles

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard

setback area. All such materials must be screened from public streets and adjacent property located within the LI Zone with an opaque fence or wall, or must be stored within an enclosed building. All storage within side yard and rear yard areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

5.5 Public Facilities Overlay Zone

The Public Facilities Overlay Zone, hereinafter also referred to as the PF Zone, established as an overlay zone of the Zoning Map to provide areas for the location and establishment of facilities which are maintained for public or quasi-public use. The uses of the PF Zone should be suitable and compatible with the underlying zone permitted or conditional uses.

5.5.1 Permitted Uses

The following general use categories require Permitted Use Approval in the PF Zone in accordance with Section 1.12 herein:

1. Automobile parking
2. Cemeteries
3. Government - executive, legislative & judicial functions
4. Protective functions
5. Postal services
6. Schools and Educational facilities
7. Miscellaneous services
8. Cultural activities and events
9. Public assembly
10. Accessory structures and uses
11. Public utility/communication lines
12. Churches and Religious Facilities

5.5.2 Conditional Uses

The following general use categories require Conditional Use Approval in the PF Zone in accordance with Section 1.14 herein:

1. Motor vehicle transportation facilities
2. Communications, substation/facilities
3. Public utility substation/facilities
4. Hospitals and clinics
5. Parks, trails and other recreation facilities
6. Other cultural, entertainment & recreation activities

5.5.3 Building Height

No lot or parcel of land in the PF Zone shall have a building or structure which exceeds a height of thirty (30) feet unless a Conditional Use Approval has been granted by the City in accordance with Section 1.14 herein.

5.5.4 Parking and Access

Each lot or parcel of land in the PF Zone shall have sufficient, marked parking spaces to meet requirements of Section 3.27 of this Code as determined by the City at the time of application review.

5.5.5 Setback Requirements

The following setback requirements shall apply to all primary structures in the PF Zone:

5.5.5.1 Front-Yard Setback

Each primary structure in the PF Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street.

5.5.5.2 Side-Yard Setback

Each primary structure in the PF Zones shall be located at least twelve (12) feet from the nearest building or property line.

5.5.5.3 Rear-Yard Setback

Each primary structure in the PF Zones shall be located at least twenty-four (24) feet from the rear property line in order to provide for adequate alleyways for deliveries.

5.5.5.4 Easements

No Primary Structure shall be located within a platted easement area of any kind.

5.5.5.5 Setback for Accessory Buildings

Accessory building described in Section 5.3.4 herein shall be located no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in the front of the primary public facility structure in the front setback or in the required side-yard setback of a corner lot on the side facing the street.

5.6 Sensitive Lands Overlay Zone

The regulations governing Sensitive Lands are addressed and detailed in Chapter 9 of this Code.

Chapter 6

DEVELOPMENT STANDARDS AND SUBDIVISION REGULATIONS

The standards and regulations set forth in this chapter relate to proposed subdivisions in Coalville City. All subdivisions shall be consistent with Chapter 5 herein and all other relevant sections of this Code. All commercial and industrial projects will be reviewed under the provisions of Chapter 8 of this Code.

Contents of this chapter

6.1	General Provisions	6-2
6.2	Introduction.....	6-2
6.3	Purpose for Standards and Regulations	6-2
6.4	Authority	6-3
6.5	Jurisdiction.....	6-3
6.6	Interpretation, Conflict, and Severability	6-4
6.7	Saving Provision	6-4
6.8	Amendments	6-4
6.9	Vacation, Alteration or Amendment of Subdivision Plats	6-4
6.10	Variances	6-5
6.11	Subdivision Application Procedure and Approval Process	6-5
6.12	Concept Plan.....	6-6
6.13	Preliminary Plan.....	6-8
6.14	Final Plat and Construction Drawings.....	6-10
6.15	Plat Approval	6-14
6.16	Improvement, Design and Layout Considerations	6-14
6.17	Lot Improvements and Arrangements	6-16
6.18	Roads, Streets and Driveways	6-18
6.19	Drainage and Storm Sewers.....	6-22
6.20	Water Facilities	6-24
6.21	Sewer Facilities	6-24
6.22	Sidewalks, Curbs, Trails, and Paths	6-25
6.23	Other Utilities	6-25
6.24	Parks, Playgrounds, Recreation Areas and Other Public Uses	6-26
6.25	Preservation of Natural Features and Amenities.....	6-27
6.26	Completion of On and Off Site Improvement Work Prior to Issuance of Building Permits	6-27
6.27	Assurance for Completion and Maintenance of Improvements.....	6-29
6.28	Inspection of Improvements.....	6-31
6.29	Escrow Deposits or Letters of Credit for Lot Improvements.....	6-31
6.30	Maintenance of Improvements	6-32
6.31	Issuance of Building Permits and Certificate of Occupancy	6-32
6.32	Consumer Protection Legislation and Conflicts of Interest Statues.....	6-32

6.1 General Provisions

These standards and regulations may be known, cited and referred to as the Development Standards and Subdivision Regulations of Coalville City, Utah.

6.2 Introduction

Developments in Coalville shall be designed in a manner so that they are safe for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If adequate public facilities, infrastructure and safety protections are not in place or cannot be provided for, the development will not be approved.

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and infrastructure improvement program of Coalville. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Building and Housing Codes, this Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program as they are adopted and amended.

6.3 Purpose for Standards and Regulations

The Development Standards and Subdivision Regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare.
2. To guide future growth and development in Coalville City, in accordance with the General Plan.
3. To provide for adequate light, solar access, open space, air, privacy, safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue population congestion.
4. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.
6. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion on the streets and the pedestrian traffic facilities, and to provide for the proper width of streets and building setbacks.
7. To establish reasonable standards of design and procedures for development layout and use of land and to insure proper legal descriptions and monumenting of subdivided land.
8. To insure that public facilities are available with sufficient capacity to serve the proposed development.

9. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the preservation and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.
10. To provide for open spaces through efficient design and layout of the land using flexible density or cluster development, and flexible width and area of lots, while preserving the overall development density of land as established in Chapter 5 herein.

6.4 Authority

By authority of ordinance and in accordance with § 10-9-801 et. seq. of the Utah Code, Annotated (1953, as amended) and any other applicable federal state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove development site plans and plats for subdivision of land within the corporate limits of Coalville City.

6.4.1 Cause for Site Plan or Subdivision Disapproval

By the same authority as indicated above, the City Council does also hereby exercise the power and authority to disapprove development site plans or subdivisions under the following conditions:

1. The site plan or subdivision plat has been recorded in the County Recorder's office without prior approval by the City.
2. The site plan or subdivision plat was approved by the City Council more than three (3) years prior and no building permits have been issued, and the zoning regulations, either bulk or use, for the district in which the development is located, have been changed subsequent to the original final development approval.

6.5 Jurisdiction

These development standards and subdivision regulations shall apply to all development of land, as defined herein, located within the corporate limits of Coalville City.

No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final subdivision plat has been approved by the Planning Commission and approved by City Council in accordance with the provisions of these regulations, and filed with the County Recorder. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be acknowledged or accepted by the City for development purposes. The City may, however, approve metes and bounds descriptions for purposes of lot line adjustments and resolving conflicting boundary descriptions.

No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by a subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinances. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable City regulations.

No land shall be subdivided within Coalville until the subdivider or agent submits a concept plan of the project to the Staff or Planning Commission obtains written recommendation of the preliminary and/or final plat by the Planning Commission and receives approval by City Council and, the approved plat is filed with the County Recorder.

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

6.6 *Interpretation, Conflict, and Severability*

6.6.1 *Interpretation*

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

6.6.2 *Conflict with Public and Private Provisions*

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or impose higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City is under no obligation to enforce private covenants.

6.6.3 *Severability*

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

6.7 *Saving Provision*

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

6.8 *Amendments*

For the purpose of protecting the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the development standards and subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in Chapter 1 of this Code.

6.9 *Vacation, Alteration or Amendment of Subdivision Plats*

The City Council may, on its own motion, a recommendation by the Planning Commission, or pursuant to a petition, consider at a public hearing any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in § 10-9-808 through §10-9-810 of the Utah Code, Annotated (1953) as amended.

6.10 Variances

Where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Board may approve variances to these development standards and subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Further, the Board of Adjustment shall not approve variances unless it shall make findings based upon the evidence presented that the requirements outlined in this Code have been satisfied.

In approving variances, the Board of Adjustment may require any conditions that will, in the Board's judgment, support the objectives of the standards or requirements of these regulations.

A petition for any such variance shall be submitted on an application form provided by the City and approved or denied in accordance with § 10-9-701 et. seq. of the Utah Code and Section 4.3 herein.

6.11 Subdivision Application Procedure and Approval Process

When subdivision of land is proposed and prior to any sale of any part thereof, and before any permit for the construction of a structure in such proposed subdivision shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with this Section.

6.11.1 Coordination of Master Planned Development Application with Subdivision Approval.

It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Master Planned Developments (MPD). Required applications shall be submitted in a form to satisfy both the requirements of the development standards and subdivision regulations, and master planned development provisions of this Development Code.

Projects located within Sensitive Lands may be subject to additional requirements and regulations as outlined in Chapter 9 herein. Projects located within or adjacent to agricultural operations as defined in Chapter 2 may be subject to additional requirements as outlined in Section 3.31 herein. Subdivisions or MPD projects with four (4) or more units or lots may be subject to review and regulations for impact on public infrastructure as outlined in Section 1.13 herein.

All subdivisions and residential projects located on contiguously owned property involving more than three (3) lots or residential units shall be processed as a Master Planned Development, subject to the provisions outlined in Chapter 7. Whenever this Code authorizes Master Planned Development (MPD) applications which permit uses of land, and density of lots, buildings or units different from those which are allowed as of right within the zoning district in which the land is situated, or the application involves the subdivision of land into two (2) or more lots or parcels, subdivision approval shall be required by the Planning Commission and City Council. If approved by the City, an MPD with mixed uses will not be considered a spot zoning.

6.11.1.1 MPD Submission and Approval Requirements

An application shall be submitted to the City for Master Planned Development on forms available from the City. Additionally, all MPD project applications shall include all information required by the Concept Plan, Preliminary Plan and Final Plat applications as set forth herein.

6.11.1.2 Phasing

All residential subdivisions with more than three (3) lots or units shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted with the submission of the Preliminary Plan.

A phasing plan shall include the number of units or parcels to be developed in each phase and the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site, and the relationship between the

public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

6.11.1.3 Minor Subdivision of Property Review

A minor subdivision review process can be utilized to create up to three (3) lots. To qualify for a minor subdivision, the property must be located in a residential zone district and the parcel shall have been lawfully created and qualified for further subdivision. Once a property has been subdivided by this process, up to and including three (3) lots, it is no longer eligible for further subdivision under the provisions of a minor subdivision.

An application for minor subdivision approval shall follow the application requirements of a standard subdivision except that the applicant will not be required to separately prepare a preliminary plan. Also a formal public hearing will only be required with the Planning Commission for a minor subdivision plat approval.

6.12 Concept Plan

The Concept plan provides an opportunity for the applicant, Staff and Planning Commission to review and discuss a proposed project in the conceptual stage. The applicant can use the Concept Plan meeting to ask questions of the Planning Commission and Staff, and receive direction on project layout. At the Concept Plan meeting the Staff and Planning Commission will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The Staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to the general layout of streets, reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, as well as the availability of existing public services. Concurrent review of MPD requirements, if applicable may also be discussed at this time.

The Staff and Planning Commission may also advise the applicant, where appropriate, to discuss the proposed development with those agencies who must eventually approve those aspects of the subdivision plat within their jurisdiction, including but limited to, the North Summit Fire District, North Summit School District, and the various utility service providers. Neighbors of the project area should also be consulted to get their views and concerns.

6.12.1 Concept Plan Application Procedure and Requirements

Prior to any process or procedure for subdividing land as required by this code, an owner of the land or an authorized agent shall submit an application for a Concept Plan, and three (3) copies of the Concept Plan. The plan shall include the following:

1. Conceptual site plan of the proposed project prepared in pen or pencil, drawn to engineers' scale of not more than one hundred (100) feet to an inch.
2. Legal description of any existing legal rights-of-way or easements affecting the property.

3. Existing covenants on the property, if any.
4. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and acres.
5. Existing conditions mapping including the location of property lines, existing easements, burial grounds, mine or known geologic hazards, railroad rights-of-way, water courses, and existing wooded areas or trees; location, width, and names of all existing streets or other public ways within or immediately adjacent to the property;
6. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the property and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
7. Approximate topography, at the same scale as the concept plan with at least 5-foot contour intervals.
8. The approximate location and widths of proposed streets.
9. Preliminary proposals for connection with existing municipal water supply and sanitary sewage systems, preliminary provisions for collecting and discharging surface water drainage.
10. The approximate location, dimensions, and areas of all proposed or existing lots.
11. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for open space, park or playground use or other public use, or for the use of property owners in the proposed development
12. The location of temporary stakes to enable the Staff and Planning Commission to find and appraise features of the concept plan in the field.
13. Whenever the concept plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the total proposed project area, including proposed street and trail systems, and future street and drainage systems of the remaining portion of the property.
14. A vicinity map showing streets and other existing general development of the surrounding area.
15. Other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested by the Staff and Planning Commission based on the nature of the project or the site.

6.12.2 Staff Review of Concept Plan

The Staff shall review the Concept Plan and may schedule the project on the next regular meeting of the Planning Commission for consideration. The Staff may also transmit the Concept Plan for review to appropriate officials or agencies of the local government, adjoining county, towns or municipalities, school, fire and other special service districts, and other official bodies as applicable. Staff will consider all comments submitted by the officials and agencies concerning the plan.

The scale or complexity of a project or Staff workload will dictate the processing timeframe. The Staff will inform the applicant when an application is filed as to the projected time frame. If the work load is too great for processing by available Staff in a time frame acceptable to the applicant

or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer would be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

6.12.3 Planning Commission Review of Concept Plan

The Planning Commission review of the Concept Plan shall take into consideration the requirements of this Code and the General Plan. Particular attention will be given to the arrangement, location and width of streets, sewerage disposal, drainage, utilities, erosion, existing natural or geologic hazards, lot sizes and arrangement, the future development of adjoining lands, and the requirements of the Official Zoning Map, General Plan, Streets Master Plan and other applicable plans, as adopted by the City.

6.12.4 Planning Commission Action

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, Staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, required in the layout, and the character and extent of required improvements and reservations which will be a prerequisite to the approval of the Preliminary Plan or Final Plat. The Planning Commission may require additional changes as a result of further study of the project in final form. The Planning Commission will grant the applicant the right to move forward with authorization to prepare and submit a Final Site Plan, Preliminary Plat, or a Final Plat if the applicant is proposing a minor subdivision.

6.13 Preliminary Plan

Following presentation of a Concept Plan to the Planning Commission to discuss the proposed project in the conceptual stage and to give the applicant an opportunity to ask questions of the Planning Commission and Staff, and receive direction on project layout, the Planning Commission will inform the applicant that an application for Preliminary Plan may be submitted and a plan may be prepared. The Planning Commission may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts and similar matters, as well as the availability of existing services. Concurrent review of MPD requirements, if applicable may also be discussed at this time.

After the review of the Concept Plan and other reports as submitted by invited agencies and officials, the Staff or Planning Commission will advise the applicant of the specific changes or additions, if any, required in the proposed subdivision layout, and the character and extent of improvements and reservations which will be required as a prerequisite to the approval of the Preliminary Plan.

These Preliminary Plan requirements are the minimum, other information may be required by the Development Code, Staff, Planning Commission or City Council.

6.13.1 General

The Preliminary plan shall be prepared at a scale of not more than one inch equals one hundred (100) feet. The plan may be prepared in ink, or ink and pencil, and the sheets shall be 24 x 36 in size and be numbered in sequence if more than one sheet is used. The applicant shall supply the City with five (5) copies of the Preliminary Plan.

6.13.2 Information to be Shown on Preliminary Plan

The following information is intended to be as complete as possible. However, the applicant is responsible to include all information required by this Code, the Planning Commission, City Council or Staff on the Preliminary Plan whether included in this list or not. Failure to show any information required by this Code, the Planning Commission, City Council or Staff may result in denial of the plan.

The Preliminary Plan shall include the following:

1. A plan prepared at an engineers' scale not more than one inch equals one hundred (100) feet, prepared in pen, or pen and pencil, with sheets numbered in sequence if more than one sheet is used on standard twenty-four (24) inch by thirty-six (36) inch paper.
2. The date of the plan, approximate true north point, standard scale, and name of the subdivision.
3. The location of property with respect to surrounding property and streets, the names of adjoining streets, and the location of all boundary lines of the property.
4. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Staff.
5. The location and width of all existing and proposed streets, street names and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
6. The location and size of all proposed or existing lots complete with building pads, utility easements, lot numbers, and building setback lines.
7. The location and size of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
9. Indication of the use of all lots or parcels whether single-family, two-family, multi-family, agricultural, commercial, industrial, recreation open space, as well as all uses other than those specified that are proposed by the subdivider.
10. All information required by the Planning Commission or Staff after review of the Concept Plan.
11. A preliminary lighting and signing plan showing all proposed exterior lighting and signing.
12. Explanation of reservations and conservation easements, if any.
13. A preliminary utility plan showing all utility facilities existing and proposed throughout the subdivision.
14. A preliminary grading and drainage plan with an indication of all slopes from 0-8%, 8-15%, 15-30% and slopes greater than 30%.
15. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the contiguous property.
16. Indication of the nearest location of all existing public and private utilities.
17. A preliminary landscape and irrigation plan showing proposed plant species, size and location including means of irrigation.
18. Proposed Phasing Plan as per Section 6.11.1.2 of the Development Code.

19. If a Major subdivision or Master Planned Development with four (4) or more lots or units, submit an Impact Analysis on public infrastructure as per Chapter 1.13 of the Development Code.
20. A right to farm provision agreement or study, with appropriate deed restrictions or restrictive covenants

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of an incomplete application and disapproval of a Preliminary Plan.

6.13.3 Public Hearings

The Planning Commission and City Council shall hold a Public Hearing on the Preliminary Plan to inform the public about the project and receive comment and input. The hearings shall be advertised in accordance with the requirements of Chapter 1 herein.

6.13.4 Planning Commission Recommendation of Preliminary Plan

After the Planning Commission has reviewed the Preliminary Plans, Staff report, and any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes or additions to receive a positive recommendation for the project.

The Planning Commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the fee schedule found in Appendix C herein.

Approval of the Preliminary Plans by the Planning Commission is in no way meant to be final approval. Until the Final Plat of a subdivision has been approved by the City Council, the Council, Planning Commission, and Staff may continue to review the subdivision for compliance with this Code. After the Planning Commission has recommended approval, conditional approval, or disapproval of the Preliminary Plan, their recommendation shall be forwarded to the City Council for consideration.

6.13.5 City Council Approval of Preliminary Plan

The Planning Commission recommendation of the Preliminary Plan shall be placed on the City Council Agenda for a public hearing. The Council may approve, approve with conditions, or disapprove the recommendation of the Planning Commission. The City Council may also remand the project back to the Planning Commission for further review and evaluation. If the Council approves or approves with conditions the recommendation of the Planning Commission the applicant may prepare a Final Plat and construction drawings containing all the requirements found herein and any requirements of the City Council, Planning Commission, or Staff.

6.13.6 Effective Period of Preliminary Plan Approval

The approval of a Preliminary Plan shall be effective for a period of one (1) year at the end of which time final approval on the subdivision must have been obtained from the City Council. Any project not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and Preliminary Plan subject to all new review requirements, zoning restrictions and subdivision regulations that are in effect at that time.

6.13.7 Final Plat Zoning Regulations

Final plats shall conform to existing zoning regulations and subdivision regulations applicable at the time of Final Plat approval, except that any Preliminary Plan which has received approval shall be exempt from any subsequent amendments to this Development Code rendering the plan non-conforming as to bulk or use, provided the Final Plat approval is obtained within the required one year period.

6.14 Final Plat and Construction Drawings

Following the approval of the Preliminary Plan or in the case of a Minor Subdivision a discussion with the Planning Commission on a Concept Plan, the applicant may proceed with the subdivision by filing an application for a Final Plat. The final subdivision plat shall be prepared by a registered land surveyor licensed by the State of Utah as certified on the plat. The Final Plat shall be prepared on reproducible mylar at the same scale and contain the same information, except for any conditions, changes or additions indicated in the approval of the Preliminary Plan. The Preliminary Plan may be used as the Final Plat if it meets these requirements and is revised in accordance with the Preliminary Plan approval. These are minimum requirements and other information may be required by the City Council, Planning Commission, or Staff. The applicant shall provide the City with two (2) copies of the Final Plat with one of the copies being produced on reproducible Mylar. Additionally, a digital copy of the Final Plat prepared in a format approved by the City shall be submitted with the application.

6.14.1 Revisions

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat which was not present on the Preliminary Plan or a requirement of approval by the City Council, it is the applicant's responsibility to inform the Planning Commission and City Council of the changes. Failure to inform the Planning Commission or City Council of revisions not present on the Preliminary Plan or a requirement of approval may result in revocation of any or all approvals.

6.14.2 Information to be Shown on Final Plat

The following information is intended to be as complete as possible. However, the applicant is responsible to include all information required by this Code, the Planning Commission, City

Council or Staff on the Final Plat whether included in this list or not. Failure to show any information required by this Code, the Planning Commission, City Council or Staff may result in denial of the plat.

The Final Plat shall comply in all respects with the Preliminary Plan, as approved, or in the case of a Minor Subdivision, the Concept Plan as discussed. The Final Plat shall be submitted to the City at least two (2) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed.

The Final Plat application shall include the following:

1. A plat prepared on reproducible Mylar including all of the requirements of the concept plan, preliminary plan, conditional use permit and master planned development as applicable, and including any other requirements of the Development Code.
2. A final draft of any subdivision restrictive covenants (CC&R's) or agreements
3. All monuments erected, corners, and other points established in the field in their proper places. The material and diameter of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend.
4. The final subdivision plat shall be prepared by a registered land surveyor licensed by the state of Utah and certified as to the same on the plat.
5. The subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. A condominium plat need not be signed by those holding security interests in the property. All owners' signatures must be legally acknowledged.
6. The plat must have signature blocks for the Mayor, City Engineer, North Summit Fire District, County Recorder, City Attorney, Planning Commission Chair, Utah Power, Public Works Director, and any other signatures required by the City.
7. Owner's dedication and consent to record as required by applicable state law.

8. The submission for plat approval must be accompanied by any declarations, easements, dedications of rights-of-way or open space, or similar documents that are in addition to the contents of the plat.
9. A preliminary title report covering all property located within the Subdivision. The report shall be prepared or updated to within thirty (30) days of the date of recording of the Subdivision Plat.
10. Any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested based on the nature of the project or the site.

6.14.3 Construction Drawings

Construction drawings shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet. These requirements are the minimum, other information may be required by the Development Code, Staff, Planning Commission or City Council.

The following information is intended to be as complete as possible. However, the applicant is responsible to include all information required by this Code, the Planning Commission, City Council or Staff in the construction drawings whether included in this list or not. Failure to show any information required by this Code, Staff, Planning Commission, or City Council may result in denial of the project.

The following information, at a minimum, shall be shown:

1. Plans and profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets. The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.
2. Plans showing the location of existing and proposed trails, sidewalks, drainage easements, irrigation ditches, and rights-of-way.
3. Utility plan including plans and profiles showing the location, size and invert elevations of manholes, catch basins, existing and proposed sanitary sewers, storm water drains, culinary and irrigation water lines, fire hydrants, and connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, and easements, and other pertinent features such as water bodies, streams, wetlands, buildings, and each tree or group of trees and shrubs to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than fifty (50) feet back from the ordinary high-water mark of such waterways.
5. Topography at the same scale as the Preliminary Plan with contour intervals of five (5) feet over 30% slope and a minimum contour interval of two (2) feet less than 30% slope,

referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.

6. All other specifications, details, and references required by the Coalville City Engineering Standards and Construction Specifications.
7. Signature blocks for the Planning Commission Chair, Mayor, City Engineer, Public Works Director, as well as the applicant's engineer and surveyor.
8. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
9. Erosion control plan including limits of disturbance and revegetation.
10. Site grading and drainage plans.
11. Landscape, maintenance, and irrigation plans.
12. Phasing plan.
13. Lighting and signing plans.

6.14.3.1 Format

The Construction Drawings shall be prepared on a similar medium and be the same size as the Preliminary Plans. The applicant shall provide three (3) copies of the Construction Drawings to the City.

6.14.3.2 Submission and Presentation

The Construction Drawings shall be submitted to the City two (2) weeks prior to the scheduled meeting of the Planning Commission for review by the Staff and other appropriate agencies.

6.14.4 Planning Commission Recommendation of Final Plat and Construction Drawings

The Final Plat and construction drawings shall be presented to the Planning Commission for their review and recommendation at least two (2) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed. The Planning Commission will review the Final Plat and construction drawings for compliance with the Preliminary Plan approval and conditions, City Engineering Standards and Construction Specifications and all other requirements of this Code. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the Final Plat and construction drawings to the City Council.

The Planning Commission shall not recommend approval of any Final Plat and construction drawings until all review and inspection fees have been paid in full according to the fee schedule included as Appendix C herein.

6.14.5 City Council Approval of Final Plat and Construction Drawings

Following a recommendation for approval, approval with conditions, or denial of a Final Plat by the Planning Commission, the Final Plat and construction drawings shall be placed on the City Council Agenda. After review of the Final Plat and construction drawings and consideration of the Planning Commission recommendations, the Council shall approve, approve with conditions, or deny the Final Plat and construction drawings.

6.14.6 Dedications

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.

If required by the City Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the City in the sum not less than ten thousand dollars (\$10,000.00), which sum shall be determined by the City Attorney and or Engineer before signing of the Final Plat.

6.14.7 Proof of Utility Service

The Final Plat and construction drawings shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the City upon Preliminary Plan approval.

6.14.8 Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other City debts or obligations are outstanding and no liens or encumbrances are placed on the property.

6.14.9 Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue until the actual signing of a preliminary plan or final plat by the Chair of the Planning Commission and the Mayor. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat.

6.15 Final Plat Approval

On all projects requiring the recording of Final Plat or recording of a survey map under applicable state law, the plat shall conform to the following standards before approval will be granted by the City.

6.15.1 Owner's Execution

A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat including those holding a security interest in the property, but excluding mechanic liens and judgment liens. All signatures must be legally acknowledged.

6.15.2 Signing of Plat

The Chair of the Planning Commission, Utah Power, Summit County Health Department, City Engineer, City Public Works Director, Mayor, and City Attorney shall endorse approval on the plat after all conditions of the plat approval have been satisfied. The survey data and accuracy of the plat must be certified by a licensed surveyor and the plat must bear the surveyor's official stamp.

6.15.3 Submission

The submission for approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having interest in the property and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent with the plat, declarations or covenants and title reports.

6.15.4 Recording

Upon granting of final approval by the City, the City Recorder shall submit the plat to the County Recorder's Office for recordation. No plat shall be recorded until the City Recorder has verified that all fees relative to the project have been paid.

6.15.5 Effect of Approval

In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with City Ordinances. The City does not make any representation concerning the accuracy of the information on the plat, nor the value of the project.

6.16 Improvement, Design, and Layout Considerations

After the applicant has submitted a Concept Plan and has been authorized to move forward in the development approval process, the applicant shall prepare a Preliminary Plan using the criteria in this section as a guide. The Planning Commission will also use this criteria in its consideration of approving the Preliminary Plan and Final Plat.

In addition to the requirements established herein, all development projects shall comply with all applicable statutory provisions, Sensitive Lands regulations, Uniform Building and related Codes, City Engineering Standards and Specifications, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, Public Utilities plans, Capital Improvements Program or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks, and the rules of the Utah Department of Transportation if the development abuts a state highway or connection street.

If the applicant places restrictions on any of the land contained in the development more restrictive than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission or City Council may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the City Attorney.

6.16.1 Plats Straddling Municipal Boundaries, Annexations

Whenever a development is proposed that includes property under the jurisdiction of another entity, the City may require the annexation of the property involved.

If the area in the County is not annexed, the City and County shall work together in a cooperative arrangement or through an inter-local agreement, if necessary, to insure that the portion of development lying in the County is compatible with the City codes, development regulations, Zoning Map and General Plan.

6.16.2 Monuments

The applicant shall place permanent reference monuments in the development as required herein or as otherwise required by the City Engineer.

Monuments shall be installed in accordance with Coalville City Engineering Standards and Construction Specifications and shall be installed on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the final plan unless a performance guarantee is established in accordance with the provisions of this ordinance.

6.16.3 Unsuitability

If the Planning Commission or City Council finds lands unsuitable for development due to natural hazards, flooding, improper drainage, fire hazards, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including view corridors, ridge lines and hilltops, which will be detrimental to the safety, health, and general welfare of the present or future inhabitants of the development or surrounding areas, the land shall not be developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approved by the City, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses that will not create a danger or severe environmental impact. Lands located in sensitive lands areas are further regulated by chapter 9 of this Code.

Additionally, consideration shall be given to soil conditions and ground water existence and may require appropriate setbacks and conservation measures.

6.16.4 Subdivision Name

The proposed name of a subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities. The Planning Commission and City Council shall have final authority to designate the name of the subdivision and to select street names.

6.16.5 Ridge Line and Hillside Development

Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per chapter 9) in Coalville City will be regulated. Hillside development which may impact scenic view sheds may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize visual impacts.

6.16.6 Open Space

Lots should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.

6.16.7 Drainage Ways and Irrigation Ditches

Existing natural drainage and irrigation ditches or rights-of-ways shall be maintained. Notification and approval of irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works or access.

6.16.8 Trails and Sidewalks

Trails or sidewalks shall be provided to allow efficient internal pedestrian and non-motorized circulation as well as provide links to adjacent trail or sidewalk systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, a homeowners association will be required to maintain the trails.

6.16.9 Limits of Disturbance/Vegetation Protection

A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required as part of the landscape plan for the project. This plan shall address construction necessary for all project improvements such as roads and utilities.

6.16.10 Architectural or Design Standards

Architectural or design standards may be required on projects or developments which could have a significant effect on the character of the surrounding area. Specific standards will be developed on a case by case basis by the City and applicant. It is intended by this section to create a development which will result in compatible building design and materials within the development and the respective zone district consistent with rural small town historic coal mining and Victorian architecture themes. Guidelines should include roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar elements.

6.16.11 Fire Sprinkling.

Fire sprinkler systems may be required in projects as determined by the City or the North Summit Fire District. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures, fire suppression devices and location of the project as it relates to response time.

6.17 Lot Improvements and Arrangement

The lot arrangement in subdivisions shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Building Code, this Code, and in providing reasonable driveway access to buildings on such lots from a dedicated public street.

In areas that are determined to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of hazardous vegetation.

If deemed necessary by the Staff and Planning Commission, building sites or envelopes shall be

designed to minimize disturbance of existing vegetation. If required, limits of disturbance or building pad lines shall be shown on the Final Plat. If required, all construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

In some cases, building pad lines may be specified instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line. Construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.

6.17.1 Square Footage

Maximum dwelling or unit square footage information may be required. Smaller parcels will be expected to limit building sizes so that homes relate to the parcels upon which they are built. Limited building heights may also be required in visually sensitive areas. Limitations, if required, or square footage and height shall be indicated on the Final Plat.

6.17.2 Staggered Front Set-Backs

In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

6.17.3 Lot Dimensions

Lot dimensions shall comply with the minimum standards found in Chapter 5 of this Code. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets that would be necessary to serve such potential lots, all in compliance with this Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this requirement would result in a better street or lot plan. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing the minimum setbacks from both streets.

6.17.4 Double Frontage Lots and Access to Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or collector roads.

6.17.5 Grading, Drainage and Revegetation

6.17.5.1 Final Grading

A building permit shall not be issued for any lot in the subdivision until final grading has been completed in accordance with the development approval. Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as designed by the developer's engineer and approved by the City Engineer, is required to be installed according to approved specification.

6.17.5.2 Lot Drainage

Lots shall be laid out to provide positive drainage away from all buildings in accordance with the Building Code and individual lot drainage shall be coordinated with the general storm

drainage pattern of the area. Drainage shall be designed to avoid concentration of storm water drainage from any lot to adjacent lots.

6.17.5.3 Revegetation

All disturbed area on the project site or individual lots shall be revegetated to avoid erosion and improve the visual quality of the development. Revegetation shall include landscaping and/or reseeded with native grasses.

6.17.6 Debris and Waste

Unless otherwise approved by the City, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street, and removal of same shall be required prior to issuance of any building permit, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

6.17.7 Fencing

Each applicant shall be required to furnish and install fences when the Planning Commission determines that a hazardous condition may exist or a buffer screen is necessary for the project. The fences shall be constructed according to standards to be established by the City and shall be noted as to height and material on the Final Plat. No building permit shall be issued until said fence improvements have been duly installed.

6.17.8 Water-Bodies and Water-Courses

If property being subdivided contains a water body or water course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots. The Planning Commission may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a City responsibility. No more than twenty five (25) percent of the minimum area of a lot required in this Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a bridge, culvert or other structure approved by the City Engineer.

6.18 Roads, Streets and Driveways

All road, street and driveway layout and design is subject to approval of the City. All roads, streets and driveways in subdivisions shall meet the applicable requirements of the Engineering Standards and Construction Specifications available from the City.

6.18.1 Grading and Improvement Plan

Roads, streets and driveways shall be graded and improved in conformance with the Coalville Engineering Standards and Construction Specifications as adopted and shall be approved as to design by the City. Construction Drawings are required to be submitted prior to Final Plat approval. Prior to Final Plat approval the City shall make the determination as to whether each road, street or driveway is to be public or private. Such status shall be indicated on the plat.

It is the intention of the City for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in the event the City is required to maintain the streets in the future.

6.18.2 Topography and Arrangement

Roads, streets or driveways shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be designed to access as many building sites at, or above, the grade of the roads and streets whenever possible. Grades of roads, streets and driveways shall conform as closely as

possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided. All cuts and fills shall conform to the requirements of Section 9.3.1 herein regardless of whether the subdivision is located within Sensitive Lands.

All roads and streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zoning Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

A rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

Proposed streets shall be extended to the boundary lines of the property to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and City Council such an extension is not necessary or desirable for the coordination of the layout of the subdivision with existing development or future development of adjacent property.

The arrangement of roads and streets shall provide for the continuation of principal access between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the road or street is proposed as a temporary dead-end road or street, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end roads or streets, with the notation on the Final Plat that land outside the normal road or street right-of way shall revert to adjacent owners when the road or street is continued. The Planning Commission or City Council may limit the length of temporary dead-end roads in accordance with the design standards of these regulations.

Where a road or street does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission or City Council for access to adjoining property, its terminus shall normally not be nearer than fifty (50) feet to such boundary. However, the Planning Commission or City Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities.

A cul-de-sac turnaround shall be provided at the end of a permanent dead-end road or street in accordance with Coalville City Engineering Standards and Specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end roads or streets shall, in general, be limited in length to six hundred (600) feet. Cul-de-sac length may be extended by the City upon making findings for the extension based on unique circumstances related to the property and if approved by the applicable fire district.

6.18.3 Ingress and Egress

In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:

1. Any subdivision which can not practically provide two points of ingress and egress shall be limited to no more than three (3) residential lots or units
2. Subdivisions which will be served by more than one point of ingress and egress in the future may receive approval for more than three (3) lots provided that no more than three (3) units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat.
3. One point of ingress and egress may be allowed when there is no feasible or practical way to provide two points of access and the access road is sufficiently divided or configured, and approved by all applicable public and emergency service agencies.

6.18.4 Blocks

Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or water ways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zone district, whichever is greater, nor be less than four hundred (400) feet in length. When practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length. In long blocks the City may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the City through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping areas, transportation center, trails, or other community facilities.

6.18.5 Access to Highway, Arterial or Collector Streets

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:

1. The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector, and screening provided by a strip of land along the rear property line of such lots
2. A cul-de-sac, U-shaped street, or short loop road entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.

6.18.6 Road and Street Names

The Planning Commission shall approve names for all roads and streets at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from other road names in Coalville to eliminate confusion. A street which is or is planned as a continuation of an existing road shall bear the same name.

6.18.7 Road and Street Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring placement of road and street signs required by the City Engineer. All signs shall be installed before issuance of a building permit for any residence on the streets approved. Road and street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the City Engineer. Street signs shall be designed according to City Specifications and Construction Standards.

6.18.8 Street and Parking Lot Lighting

Installation of street and parking lot lights shall be in accordance with Section 3.33 herein.

6.18.9 Reserve or Protection Strips

The creation of reserve or protection strips may be permitted adjacent to a proposed street to deny access from adjacent property to the street, provided such a strip is clearly shown on the Final Plat and approved by the City.

6.18.10 General Design Standards

In order to provide for roads, streets and driveways in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to compose a convenient circulation system and avoid undue hardships to adjoining properties, the design standards for roads, streets and driveways are hereby required to be in compliance with the Coalville City Engineering Standards and Construction Specifications, and the Streets Master Plan, as adopted, or determined by the City Engineer, or Planning Commission. Local road, street and driveway standards are as follows: (See Coalville City Engineering Standards and Construction Specifications for other road standards.)

1. Local Road/street width - 25 feet.
2. Local Road/street right-of-way width - 60 feet.
3. Local Road/street grades - Maximum 8%; Minimum .05%
4. Cul-de-sacs - Maximum length 600 feet; Minimum diameter 70 feet.
5. Driveway width – 12 feet.
6. Driveway right-of-way width – 24 feet.
7. Driveway grades – Maximum 12% Slope; Minimum 1% Slope.

6.18.11 Road, Street and Driveway Surfacing and Improvement

After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways, streets and driveways to the widths prescribed in the Engineering Standards. Types of pavement shall be determined by the City Engineer. Adequate provision shall be made for culverts, drains and bridges. All road and street pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the Construction Drawings required to be submitted by the developer for plat approval. Driveways shall be paved with asphalt or concrete to prevent tracking of mud onto City streets. For long driveways, a minimum distance of 100 feet of the driveway shall be paved to the public street.

6.18.12 Excess Right-of-Way

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of 3:1, unless specifically approved by the City.

6.18.13 Intersections

Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission and City Engineer.

Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major roads or streets shall be at least eight hundred (800) feet apart.

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having a four (4) percent or less slope for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

6.18.14 Bridges

Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the City Council and the applicant.

6.18.15 Road Dedications and Reservations

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.

Where a subdivision borders an existing narrow road or when the General Plan or Streets Master Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening

or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicants expense to the full width as required by these subdivision regulations.

6.18.16 Landscaping

Trees shall be planted at the rate of at least one (1) tree per thirty (30) feet along a public street. The trees shall be 1 ½ - 2" caliper in size. Trees may be planted in clusters to create a more natural affect, if appropriate. All landscape strips shall contain grass or other ground cover acceptable to the Planning Commission and shall be sufficiently irrigated. Shrubs, flower beds, bark mulch and other appropriate ground cover is highly encouraged, specifically native and drought resistant species. All landscaped areas shall be maintained using a sprinkler and/or irrigation system which is capable of being engaged automatically on a regular basis. The applicant shall provide appropriate guarantee on the trees for a minimum of one (1) year survival as part of the Construction Performance Guarantee of the overall project.

6.18.17 Variance

When circumstances peculiar to the property exist, or if it is in the best interest of preserving the natural environment and when approved by the applicable public agencies, a variance to these road, street or driveway standards may be granted by the City.

6.19 Drainage and Storm Sewers

The Planning Commission shall not recommend approval of any Final Plat which does not make adequate provision for storm or flood water runoff including, but not limited to channels, catch basins, drywells or detention ponds. Plans shall be reviewed for compliance with the Coalville City Engineering and Standards and Construction Specifications, or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with Construction Drawings. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns of the project site shall be shown on a grading and drainage plan.

The applicant may be required by the Planning Commission, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the development. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the engineering standards and construction specifications.

Underground Storm Sewer Systems shall be constructed throughout the development and be connected to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer. If a future connection to a public storm sewer will be provided, as determined by the City Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the project.

No development shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

6.19.1 Accommodation of Upstream Drainage Areas

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of a ten- year storm event for pipeline design and a one hundred-year storm event for detention basin design. The City Engineer shall review and approve the design. If the facility must be enlarged to accommodate

future upstream development, the City shall contribute the absolute difference between the facility needed for the subdivision and the facility needed for upstream drainage.

6.19.2 Effect on Downstream Drainage Areas

To determine the effect the subdivision will have on existing downstream drainage facilities outside the project area, the developer shall submit a storm water drainage study prepared by a qualified engineer. City storm drainage studies together with such other studies shall serve as a guide to determine needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the City may require the applicant to improve the facility in order to serve the subdivision, or provide additional on-site drainage facilities.

6.19.3 Flood Plain Areas

The Planning Commission may, upon recommendation of the City Staff and when determined necessary for the health, safety, or welfare of the present and future population of the area and for the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within an one hundred year flood plain of any stream, lake or drainage course. Flood plain areas shall be identified and regulated in accordance with the Coalville City Flood Insurance Rate Map and Flood Damage Prevention Ordinance. Flood plain areas should be preserved from any and all disturbance or damage resulting from clearing, grading, or dumping of earth, waste material, or vegetative debris.

6.19.4 Dedication of Drainage Easements

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the historic high water lines of such watercourse. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks.

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road right-of-way lines. Such easement shall include satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

The applicant shall dedicate to the City or other appropriate agency, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Engineer.

6.20 Water Facilities

Necessary action shall be taken by the applicant to extend or develop a safe water supply system for the project. The purpose of the water supply system is to provide a water supply capable of serving domestic water use and fire protection demands of the development. All improvements whether on or off site which provide direct benefit to the subdivision shall be constructed and paid for by the developer. The impact of the development on the City's water system must be determined by the impact analysis process as outlined in Section 1.13 of this Code.

6.20.1 Existing Systems

Where a public water main is accessible, the developer shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City. All water mains shall be at least six (6) inches in diameter. Water main extensions and water facility improvements shall be approved by the City Engineer, City Public Works Director and the City Council.

6.20.2 Guarantees

The location of all fire hydrants and all water storage and supply improvements shall be shown on the Final Construction Drawings. A qualified estimate, consisting of at least two design and construction bids, of costs, whether on or off site, shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in the form described herein.

6.20.3 Ownership of Facilities

Prior to approval of the Final Plat, a determination shall be made by the City Council regarding the location and extent of facilities to be maintained by the City. Private facilities will be required to be so noted on the Final Plat and will be the responsibility of the developer or owners of the development.

6.20.4 Fire Hydrants

Fire hydrants shall be required in all developments. Fire hydrants shall be located no more than five hundred (500) feet apart and shall be approved by the North Summit Fire District and City Engineer. In some instances, the City and Fire District may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of streets. All fire hydrants shall include clean outs. Fire hydrants located on cul-de-sacs shall be installed at the direction of the Fire District and City Engineer.

6.20.5 Proof of Water

The applicant shall dedicate and provide sufficient water rights to serve the project or pay a fee in lieu of to the City, and shall provide adequate proof of ownership of "wet" water (as opposed to water rights or paper only) in a quantity, quality, annual duration or availability throughout the entire year. The proof must be provided in a legal form, opinion or title policy that is acceptable to the City Attorney. All water transactions should be consistent with the policies of the City.

6.21 Sewer Facilities

The applicant shall install sanitary sewer facilities in a manner prescribed by the City Engineering Standards and Specifications. All plans shall be designed in accordance with current City, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the development. Off site requirements may be necessary to meet impacts imposed by the development on the City Sewer Facilities. The impact analysis required in Section 1.13 of this Code may be necessary for approval of the development by the City.

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the City Public Works Director and the City Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in the areas of the City serviced by the sewer system and within one thousand (1000) feet or less of that system as measured from the development property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the City specifications, rules, regulations, and guidelines and this Code.

6.22 Sidewalks, Curbs, Trails, and Paths

6.22.1 Location

Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable. Concrete curbs are

required for all roads where sidewalks are required by these regulations and run along roads or where required at the discretion of the Planning Commission.

6.22.2 Improvements

Sidewalks shall be constructed of concrete at least four (4) inches thick and not less than five (5) feet wide, and shall be designed to best facilitate their assumed use and serve the public interest and safety.

6.22.3 Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer as determined by the Planning Commission. Trails should provide a link to schools, recreation facilities, commercial areas, parks, other development areas and significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this Code for the trail improvements.

6.23 Other Utilities

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new developments when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on the City as determined by the City Council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

6.23.1 Easements

A ten (10) foot utility easement shall be provided around each lot in the subdivision for both private and public utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least sixteen (16) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the City Engineer or Public Works Director.

6.24 Parks, Playgrounds, Recreation Areas and Other Public Uses

The Planning Commission, in its review of each development, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations identified in the General Plan and Recreation Element or other areas where such reservations would be appropriate and would benefit the development and surrounding residents. Each reservation shall be of suitable size, dimension, topography, and general character and have adequate access for the particular purposes envisioned by the Planning Commission. The area shall be shown on the Final Plat. The developer will also be required to install improvements to the recreation areas which directly benefit the development. These improvements shall be built to City specifications.

6.24.1 Required Park Area

Recreation areas shall be consistent with the Recreation Element unless the applicant desires to construct recreational facilities for the residents of the development. If the applicant is developing

an area which contains areas designated for public facilities according to the Recreation Element, the applicant may donate land and construct facilities in place of Impact Fees. The Planning Commission shall determine the number of acres to be reserved using the adopted level of service standard of the Coalville City Impact Fee Ordinance of five (5) acres per one thousand (1000) residents or typically five (5) acres per two hundred fifty (250) dwelling units or lots. This calculation equates to eight hundred seventy one (871) square feet per single family dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The developer shall dedicate all such recreation areas and facilities to the City as a condition of final subdivision plat or development site plan approval. If the applicant chooses to provide recreational facilities to the residents of the development, the applicant may be entitled to a credit against the Parks and Recreation Impact Fee.

6.24.2 Minimum Size of Park and Playground Reservations

In general, land reserved for recreation purposes shall have an area of at least one (1) acre. When the proposed area would create less than one acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the development so that additional land may be added at the time adjacent land is developed. In no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes. This smaller amount will be accepted only when it is on the edge of the subdivision or when the Staff and Planning Commission determine that the reduced size will result in a functional and usable recreation site.

6.24.3 Recreation Sites

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, trail or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards required by the Planning Commission, which improvements shall be included in the performance guarantee. All land to be reserved for dedication to the City for park and recreational purposes shall be approved by the City Council and shown on the Final Plat.

6.24.4 Open Space Created by Clustering Not Included in Calculations

Any open space created by clustering units shall not be included in the calculations for Impact Fee credits or recreation space required. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

6.24.5 Other Public Uses

Except when an applicant utilizes a Master Planned Development concept in which land is set aside by the developer as required by this Code, when a tract to be developed includes a school, recreation uses, or other public use the space shall be suitably incorporated by the applicant into the Final Development Plan.

The Planning Commission shall refer the Final Development Plan to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days to reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner.

6.25 Preservation of Natural Features and Amenities

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 9. Existing vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall

be preserved in the design of the development. All trees on the site plan required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The preliminary plan shall show the general number, size, and location of existing plant materials and indicate all those marked for retention. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in Chapter 9 of this Code.

6.26 Completion of On and Off Site Improvements

6.26.1 Policy

6.26.1.1 Security Required

In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities and infrastructure that may occur as a result of incomplete or inadequate site improvements on private construction projects or off-site improvements performed by the developer as required by the City, developers shall complete all required on and off site improvements prior to building permit issuance. If that is not possible, adequate financial security for completion, together with a right of entry to the property to complete the work shall be granted to the City in accordance with Section 6.26 herein.

6.26.2 Construction According to Approved Plans

All construction shall be completed according to the approved plans and site improvement specifications. For purposes of this Code, the term site improvements shall include all roads, sidewalks, trails, curbs, gutters, drains, drainage systems, grades, walls, landscaping, planting, paving, utility lines and related facilities or similar improvements as shown on the set of plans on which the final approval is based. Off-site Improvements shall refer to all facilities as defined in site improvements above, but located off of the development parcel(s) and required by the infrastructure impact review studies. These improvements shall be constructed at the same time as the site and building development that required the improvements and shall be constructed to City standards and approved, inspected and constructed under the authority of the City Engineer or representative. These two types of improvements may be referred to collectively as improvements. Deviations from the approved plans must be approved in advance by the City.

6.26.3 Security for Completion

No building permit will be issued, unless all required on and off site improvements are completed, or the developer has provided adequate security to guarantee timely completion of the improvements. When all of the improvements cannot be completed due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may issue building permits for the project, provided all the following conditions are met:

1. The Building Official determines that construction of the buildings, or portions thereof, prior to completion of required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished.
2. The developer posts adequate security to insure completion of the site improvements in full compliance with the approved plans within one (1) year from the date of final plat approval.

6.26.4 Amount of Security

The amount of the security to be posted by the developer shall be equal to one hundred twenty five (125) percent of the amount reasonably estimated by the developer and approved by the City as being necessary to complete on and off site improvements as shown on the approved plans.

6.26.5 Terms of Security

The terms of any security arrangement offered to the City shall state a date certain by which the developer agrees to have on and off site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the City may, at its option, and on its schedule, draw on the funds in escrow, or credit established, or such other security device by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the escrow or other security arrangements in an acceptable and timely manner.

6.26.6 Form of Security

Security arrangements offered in lieu of advance completion and payment for site improvements shall be in an amount fixed under the terms of Section 6.26.4, shall be documented in form and substance as required by the City Attorney, and shall be in one or more of the following forms subject to approval in each instance by the City Attorney:

1. A performance bond executed by a corporate surety guaranteeing payment of construction costs and completion of the project.
2. A deposit of cash with a third party escrow.
3. An irrevocable letter of credit from a bank authorized to do business in the State of Utah,
4. An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 6.26.4 and will disburse those funds only with the written consent of the City, and only for the completion of required improvements. As improvements are completed, the City will consent to the disbursement of the funds set aside by the lender.
5. A security agreement (Property Bond) secured by the encumbrance of unencumbered real property. This is not a favored form of security and shall not be approved except under exceptional circumstances as determined by the City.
6. Some combination of the foregoing.

6.26.7 Retainage

The amount in excess of the actual construction costs, but in no event more than twenty five (25) percent of the actual construction cost, shall be held for a period of one year following final inspection and approval of the required on and off site improvements. The retainage amount may be provided in any of the ways described in Section 6.26.6. If the developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 6.26.6, the City shall make a demand or draw on that security to the extent of the required retainage amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the developer. Retainage

will be used to replace or repair any site improvements which fail or appear to be defective during the one year retainage period. The corrective work may be done by the City or the developer. Upon completion of work, the retainage, or so much of it as remains, shall be released. Retainage amounts may be drawn and applied to any outstanding fees owed by the developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the developer.

6.26.8 Modification of Plans

A developer may request modifications to plans covering on or off site improvement work by submitting revised plans to the City for review and approval consideration. Until the revised plans have received approval by the City, the developer shall be required to offer security for the

performance of the improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the City, the City shall release any cash, credit or other security held, which is in excess of one hundred twenty five (125%) percent of the completion cost (estimated) of work shown on the most recently revised plan. If the modification of the plans increases the cost of required improvements, additional security shall be provided by the developer to cover the increased costs.

6.26.9 *Payment of Interest*

Any interest accruing on escrow funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer upon release and not to the City, and the City shall not be required to pay interest to the developer on any funds in escrow for this purpose.

6.26.10 *Detailed Improvement Plans and Specifications*

Detailed on or off site improvement plans and specifications shall be presented, showing the location, design and nature of all streets, drainage systems, utility pipelines, storage tanks, pumping systems and related facilities, grade changes, retaining walls and landscaping, together with any trails, paths, or walkways that may be included or required under these or other provisions of this Development Code. All plans and supporting documentation must be approved by the City prior to any construction by the Developer. The Developer is responsible for all plan review fees incurred by the City or its consultants.

6.26.11 *Single Family Buildings*

This provision shall apply to all construction in Coalville, including single family dwellings when improvements are required by the impact analysis. The amount of security required for single family dwellings shall be the reasonably estimated cost to complete construction of any improvements, including required landscaping on a labor and materials basis.

6.26.12 *Phased Projects and Concurrency*

On and off-site improvements applicable to each phase of a phased project or development shall be completed concurrently with the first phase of the project and appropriate securities shall be put in place to insure that the total infrastructure is completed along with the first phase. Phasing of improvements may be allowed only under special circumstances as outlined by the City and approved by the City Council. If phasing is allowed, adequate security for completion of each phase must be provided to insure that each phase of infrastructure is constructed.

6.27 *Assurance for Completion and Maintenance of Improvements*

6.27.1 *Completion of Improvements*

Prior to issuance of building permits, the applicant shall be required to complete any and all on and off-site improvements indicated by the project approval. The applicant shall also dedicate all applicable public improvements to the City, including any water right transfers, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

6.27.2 *Performance Guarantees*

The City Council shall require the applicant to post an acceptable guarantee at the time of Final Plat approval in an amount equal to one hundred twenty-five (125) percent estimated by the developer and approved by the City as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

6.27.3 *Performance Guarantee to Include Lot Improvements*

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, and in the regulations including, but not limited to, final grading, lot drainage, landscaping, revegetation, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the City. Whether or not a building permit or certificate of occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

6.27.4 Time Period to Complete Improvements

The period within which required improvements must be completed shall be specified by the City Council with the approval of the Final Plat. The completion time period shall be incorporated in the guarantee and shall not in any event exceed two (2) years from the date of final plat approval. Such guarantee shall be approved by the City Council with satisfactory surety and conditions. The City Council may extend the completion date set forth in such guarantee for a maximum period of one (1) additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

6.27.5 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the City Council, Planning Commission, or Staff and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this Code, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

6.27.6 Costs of Improvements

All required improvements shall be made by the applicant, at the applicant's expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

6.27.7 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by action of the City Council. The recommendation for approval by the Planning Commission of a Final Plat shall not be deemed to constitute or imply the acceptance by the City Council of any street, easement, park or public improvement shown on said plat.

6.27.8 No Third Party Beneficiaries Intended

It is the intention of the City that financial security given by the developer be limited to a contract between the City and the developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of property to correct construction flaws or defects, which are the fault of the developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure and prioritization of work performed shall rest in the sole discretion of the City.

6.28 Inspection of Improvements

6.28.1 General Procedure and Fees

The City Community Development Director, City Engineer, Public Works Director or Building Official shall inspect the required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the City's fee ordinance included in Appendix C herein, pay to the City an inspection fee, and the Final Plat shall not be signed by

the Chair of the Planning Commission or Mayor unless the fees have been paid. These fees shall be due and payable upon demand of the City and no project approvals, building permits or certificates of occupancy shall be issued until all fees are paid. If the Staff finds upon inspection that any of the required improvements have not been constructed in accordance with the approved plans or City Engineering Standards and Construction Specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to the approved plans and specifications.

6.28.2 Release or Reduction of Performance Guarantee

Subject to the provisions contained in this Code, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Community Development Director, City Engineer, Public Works Director or Building Official has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the Planning Commission and City Council, that the layout of the line and grade of all public improvements is in accordance with the approved Construction Drawings for the subdivision. Further, a title insurance policy shall be furnished to the City indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

6.28.2.1 Reduction of Performance Guarantee

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the project. In no event shall a performance guarantee be reduced below twenty-five (25) percent retainage of the principal amount until total completion.

6.29 Escrow Deposits or Letters of Credit for Lot Improvements

When, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount approved by the City for one hundred twenty five (125) percent of the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

All required improvements for which escrow or letters of credit have been accepted by the City at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the City shall give two (2) weeks written notice to the developer requiring installation of the improvements. In the event that they are not installed properly as approved and shown on the building or site plans the City Council may proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

6.30 Maintenance of Improvements

6.30.1 Prior to Completion

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements by

the City Council. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until fifty (50) percent of the lots within the subdivision are built upon and have been issued a certificate of occupancy.

6.30.2 *Warranty after acceptance and dedication*

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount equal to twenty-five (25) percent of the construction cost and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their acceptance by the City and dedication of same to the City.

6.31 *Issuance of Building Permits and Certificates of Occupancy*

The extent of subdivision street improvements shall be adequate for vehicular access by the prospective occupant, construction vehicles and emergency equipment, prior to the issuance of any building permit. The developer shall at the time of the dedication submit in escrow or an acceptable letter of credit to the City in a sum determined by the City Engineer for the necessary final improvement of the street(s).

Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication to the City, as required in the Planning Commission's and City Council's final approval of the project.

No building permits shall be issued for the final twenty five (25) percent of lots in a subdivision until all public improvements required by the City for the project have been fully completed and dedicated to the City.

6.32 *Consumer Protection Legislation and Conflicts of Interest Statutes*

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

Chapter 7

MASTER PLANNED DEVELOPMENTS

The regulations set forth in this chapter detail the Master Planned Development process and application submission to the City. A Master Planned Development can offer more flexibility in the design and placement of structures, lot layout and open space, while maintaining the objectives of the General Plan.

Contents of this chapter

7.1 Purpose and Objectives.....	7-2
7.2 Uses	7-2
7.3 Density.....	7-3
7.4 Master Planned Development Standards and Requirements	7-5
7.5 Clustering Provisions	7-7
7.6 Twin Home and/or Town House Developments	7-7
7.7 Apartment Developments	7-7
7.8 Mobile and Manufactured Home Parks and Subdivision Development.....	7-8
7.9 Preliminary Development Plan	7-10
7.10 Final Development Plat.....	7-14

7.1 Purpose and Objectives

The purpose of the Master Planned Development (MPD) is to encourage imaginative and efficient utilization of land in mixed use development and to further the objectives of the Coalville City General Plan. For the purpose of locating development, density can be transferred between abutting zone districts within an MPD to protect sensitive lands and to preserve agricultural areas and open space.

By providing for greater flexibility in the location of buildings on the land, it also allows the consolidation of development and the preservation and enhancement of permanent, common, recreational and agricultural open spaces. MPD development allows the clustering of dwelling units and the efficient use of public facilities required in connection with new development. These provisions are intended to create attractive and desirable environments within the residential and agricultural areas of the City.

This chapter should be considered an expansion to the regulations of Chapter 6 of this Code. Many of these regulations are negotiable between the applicant and the City. Application of these standards may result in bonuses to the density and structural placement regulations found in Chapter 5 and elsewhere in this Code. All MPD proposals must demonstrate that they can meet the minimum requirements or conditions of any underlying zone or other regulations contained in this Code. An MPD cannot be used as an instrument or vehicle to accomplish a primary use that would have been prohibited if the project were to be submitted and applied for as a conventional subdivision.

The Planning Commission and City Council may accept or reject a MPD proposal on the basis of the project quality, as well as the architectural design and serviceability of the project area. All MPD developments shall be designed to protect the character of the neighborhoods and rural small town character of the City. In considering MPD applications, every effort will be made to ensure the City is benefited by the project.

Proposed subdivision projects having more than three (3) lots or residential units must be submitted as an MPD.

Complete planning of the entire project in all of its phases is critical in the proper application of the MPD process. All MPD regulations are in addition to the subdivision regulations of chapter 6, commercial and industrial regulations of Chapter 8 and other applicable regulations of this Code. An MPD may be processed concurrently with subdivision and/or commercial/industrial applications for approval.

7.2 Uses

An MPD may be allowed in all Zone Districts as designated herein, and the MPD development plan shall become supplementary to the provisions of the zones in which the MPD is located, although the City shall not be required to enforce any of the restrictive covenants recorded pursuant to this article.

7.2.1 Allowing Attached Units

Attached units may be allowed in residential zones except Agricultural, Residential Agricultural, and Low Density Residential (AG, RA and R1) Zones.

7.2.2 Types of Developments

Master Planned Developments may include commercial/industrial projects, cluster subdivisions, mixed use planned developments, twin homes, condominiums, and mobile and manufactured home parks and subdivisions, combinations of housing types such as single units and multiple units, and zero lot line developments.

7.2.3 Zone Use Limitations

Uses permitted in the MPD shall be limited to those uses permitted in the Zone District in which the MPD is proposed.

7.3 *Density*

7.3.1 *Base Density*

The base density in each zone for Master Planned Developments shall be as follows:

Agriculture Zone (AG)	1 Dwelling Per Twenty Acres
Residential Agriculture Zone (RA)	1 Dwelling Per Five Acres
Low Density Residential (R-1)	1 Dwelling Per Acre
Medium Density Residential (R-2)	2 Dwellings Per Acre
High Density Residential (R-4)	4 Dwellings Per Acre
Very High Density Residential (R-8)	8 Dwellings Per Acre

7.3.2 *Density Bonuses*

The City Council may, upon recommendation of the Planning Commission, grant a density bonus which may allow an applicant to exceed the base density of the zone district with either an amenity density bonus or an impact density bonus.

7.3.2.1 *Amenity Density Bonus*

The Planning Commission may recommend a density bonus for project amenities within a Master Planned Development which will be an increase over the base density of the applicable zone district. Amenities for a particular project may vary from those of another project because of project type and market for which the project is being built. Types of amenities may include, but are not limited to, substantial landscaping, public tennis courts, trails, equestrian facilities, recreation facilities areas and parks, permanent open space, common useable agricultural or farming open spaces or other similar features. The City shall consider the total project and the proposed amenities, and determine the amount of density bonus a project may receive. When figuring Total Project Density, the number of dwelling units will always be rounded down to the nearest dwelling unit.

A density bonus shall always be at the option of the Planning Commission. If the Commission determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the Commission may limit the number of additional units allowed in a certain project. In no case shall an amenity density bonus result in an increase of more than twenty five (25) percent above the base density.

The following list of amenities shall be considered by the Planning Commission for a density bonus in a Master Planned Development. Each amenity contains a percentage bonus which a project may receive. If a project receives a density bonus, the Base Density will be multiplied by the percentage attached to the amenity to determine the additional units. In order to determine Total Project Density, the Planning Commission shall add all additional units to the Base Density.

In order to qualify for a density bonus, the amenity shall add value to the project and result in a more desirable project for the community. Developers are expected to provide amenities beyond those found in typical subdivisions in order to receive a bonus.

7.3.2.1.1 *Building and Project Design (1-5%)*

The Planning Commission will consider and give comprehensive and critical attention to architectural design and style including unit types, architectural theme, building materials and colors, fence and wall treatment, solar

considerations, project entrances, orientation of buildings to amenities within the development, neighborhood design elements and visual appearance of the development from outside the project.

7.3.2.1.2 Innovative Site Plan (1-5%)

The Planning Commission will consider an innovative site plan which is in harmony with the topography and other natural features of the site. An innovative site plan could also include a variety of lot sizes, setbacks, dwelling unit types, clustered development patterns, and natural resource protection.

7.3.2.1.3 Substantial Public Benefit (1-10%)

The Planning Commission will consider if substantial public benefit through the provision of public facilities that are both unusual in character and serve the needs of an area greater than the immediate development are provided by the project. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the typically required street improvements, sidewalks or trails, public recreational amenities, utilities and drainage facilities.

7.3.2.1.4 Provision, Protection and Maintenance of Open Space (1-10%)

The Planning Commission will consider the provision, protection and maintenance of permanent common open space or agricultural open space which is distinguishable from a standard subdivision by its quantity or quality. The open space should be readily accessible to the residents of the development, when appropriate. Consideration will be given for innovative clustering designs that maximize open space and preserve the scenic views and beauty of the community. Open space placed in conservation easements for perpetuity will be valued highly in the MPD process. In order to gain a larger density bonus, the developer must provide a plan for the ongoing maintenance of the open space by means of a homeowners association or other entity which does not encumber the City.

7.3.2.1.5 Interior Amenities and Landscaping(1-5%)

The Planning Commission will consider the provision of private recreational facilities such as tennis courts, equestrian facilities, recreational centers, jogging paths, trails, water features, parks and similar facilities which are accessible to the residents of the development. Additionally, the Commission will consider overall street scape, including street and sidewalk treatment, street trees, overall landscaping, signs, graphics, mail boxes, lighting, garage placement, car port screening, and dwelling entrances.

7.3.2.2 Impact Density Bonus

In order to promote infill development, the City Council, upon recommendation of the Planning Commission, and after receiving input from the surrounding neighbors of the proposed MPD may grant an impact bonus of up to ten percent (10%) of the base density if the Council finds that the proposed MPD is adversely impacted by its proximity to commercial or industrial development, multiple family housing units, major roads and streets or other similar factors.

7.4 Master Planned Development Standards and Requirements

7.4.1 Compliance with Coalville City Codes

Master Planned Developments shall comply with the requirements of this Chapter and the entire Development Code, as well as any conditions of the Planning Commission and City Council. The requirements and standards set forth herein shall apply to any Master Planned Development, and are in addition to any other regulations, required by a conventional development not submitted as a MPD. All Development must comply with all of the applicable Subdivision Standards in Chapter 6 of this Code.

7.4.2 Land Ownership Designation

All land within a MPD shall be either common area, open space, limited common area, dedicated to public use, privately owned as a buildable lot or a combination of the above.

7.4.3 Utilities

All utilities shall be placed underground. Each dwelling unit shall be individually metered for natural gas, electricity, and water. Each building shall be served by a separate sewer lateral and not more than four dwelling units within a building may be connected to one lateral. Each unit will be required to install back flow protection devices and water valves as well as back water valves in sewer lines in multiple unit developments in accordance with the applicable plumbing code.

If a MPD is in an area that may be serviced with sewer or water system improvements, including secondary water in the next 5 to 10 years, the City Council or Planning Commission may require such improvements to be installed in the subdivision. These improvements must be constructed to current City standards, properly capped and marked as to their termination (with acceptable “as-built” drawings provided to the City). This will make it more feasible and less costly and troublesome on the residents of the development in the future when the service would be available or the connection would become mandatory.

7.4.4 Fences

A sight obscuring fence six (6) feet in height shall be erected around the perimeter of all or a portion of MPD projects. The Planning Commission may waive this requirement for compatibility concerns and where a fence may detract from the open agricultural environment or character of the neighborhood.

7.4.5 Landscaping

The required front setbacks and side setbacks adjacent to a dedicated street shall be landscaped except for permitted driveways, and shall not be used for parking. All common areas shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with standard landscaping practice, unless the area is to be designated as natural open space.

For each dwelling unit, there shall be required on the project site at least two (2) deciduous trees at least a two (2) inch caliper in size and one (1) conifer tree at least six (6) feet in height. A density bonus in accordance with Section 7.3.2.1.5 may be given for substantial and appropriate landscaping exceeding the base requirements.

7.4.6 Parking

The developer shall provide not less than two (2) off-street parking spaces for each dwelling unit, one of which shall be covered. All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained.

7.4.7 Streets

All streets within a MPD shall be constructed to current City standards and approved by the City Engineer. Streets may be private, but in order to protect the City in the case of future maintenance, the streets shall conform to City standards.

All proposed streets which are shown on the Master Street Plan shall be developed according to the size and general location shown on the Street Plan. Other streets developed in a MPD are encouraged to be dedicated to the City as public streets; however, private streets may be permitted within a MPD provided that:

1. A private street will not extend to or provide service to another property or parcel not included in the MPD.
2. The street will not provide access or travel between, or otherwise connect with two (2) public streets. The City Council may waive this requirement upon recommendation of the Planning Commission if circumstances warrant.
3. The street is designed by a qualified civil engineer to City standards.
4. Private streets are entered from the public streets by a drive-way type entrance with no curb cut and are posted as private streets.
5. All private streets shall be designated on the final plat as a perpetual public utility easement.

7.4.8 Common Areas

Common areas of a development shall be developed according to the MPD approved by the City Council and maintained in accordance with the provisions of the approval. Common or privately held open spaces shall be perpetually dedicated as such through appropriate deed restrictions or conservation easements.

7.4.9 Storage Areas and Solid Waste Receptacles

All storage and solid waste receptacles which are not located within a building shall be enclosed within a sight obscuring structure, landscaping or fence consistent with the design of the development.

7.4.10 Declaration of Covenants, Conditions, and Restrictions

Two copies of any Covenants, Conditions, and Restrictions imposed upon a MPD shall be submitted to the City signed and prepared for recording in the County Recorder's office prior to approval of a Final Plat.

7.4.11 Development Improvement Bond

Prior to MPD Final Plat approval or issuance of any Building Permit, a bond sufficient in amount to cover the cost of all off-site and on-site improvements required by this Code and all conditions of the Planning Commission and City Council shall be required. The bond shall be a guarantee that the proper installation of all required improvements, including project amenities, shall be completed within one (1) year of recordation of the approved final plat. This guarantee bond shall also assure that the improvements shall remain free from defects for one (1) year and shall not be released until the improvements are accepted by the City. The bond shall be in the form prescribed by this Code and approved by the City Attorney in an amount of 125% of the estimated construction costs for the improvements as verified by the City Engineer.

7.4.12 Final Plat Recordation

MPD Final Plats shall be recorded after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the City.

7.4.13 Sensitive Lands

Any lands deemed sensitive by this Code or the City must be protected as designated in the Sensitive Lands Overlay Zone found in Chapter 9 herein and shall not be included in open space calculations.

7.4.14 Concurrency

All on-site and off-site infrastructure required for the MPD must be installed concurrently and be operational by the time the first phase is completed and building permits are issued.

7.5 Clustering Provisions

Each lot within a cluster type subdivision of a MPD shall have direct access to a public dedicated street with a minimum frontage of sixty (60) feet. The location of dwellings on lots shall be approved by the Planning Commission and City Council with the Preliminary Development Plan. The minimum side yard setback shall be eight (8) feet. The minimum front setback for the main dwelling and any additional accessory buildings or attachments shall be twenty (20) feet. Rear setbacks shall be consistent with the appropriate zone.

Clustering of lots and/or units in the proposed development shall not exceed the density allowed in the zone in accordance to Section 5.2.7 herein. The unit per acre density may qualify for a density bonus within a Master Planned Development in accordance with Section 7.3.2 herein. If the development includes property in more than one zone, the total residential density per acre of the project shall not exceed the total of all residential densities combined in each zone. Minimum lot sizes per residential unit for each zone must also be adhered to, even if this results in different sizes of residential lots in the same development.

7.6 Twin Home and/or Town House Developments

Each lot within a twin home or town house development shall have frontage on a public dedicated street. Location of dwellings on lots shall be approved by the Planning Commission and City Council with the Preliminary Development Plan.

In all twin home or town house developments, the center wall between the dwelling units shall be the property line and shall be designed and constructed for sound proofing.

An approved wall, fence or landscape hedge may surround each lot in accordance with the fencing provisions of Section 3.7 herein. The wall, hedge or decorative fence may include front and rear yard dividers. The rear yard may be divided by a sight obscuring fence, wall or landscape hedge.

The development plans shall include landscaping and sprinkling systems for the front yards which shall be installed and guaranteed by the developer in accordance with the landscaping provision of this chapter.

7.7 Apartment Developments

All requirements set forth in this Chapter shall apply to Apartment Developments with the following exceptions and additional standards.

7.7.1 Land Ownership Designation

Land ownership designations are not required for apartment developments.

7.7.2 Utilities

Each building shall have a minimum of one meter for water and each building shall have at least one meter for natural gas and electricity. No more than four (4) dwelling units shall be

connected to one (1) sewer lateral. Each unit shall have installed in the sewer lateral a backwater valve along with clean-outs for each unit.

7.7.3 Landscaping

All land, except for building areas, driveways, and parking areas, within the apartment development shall be landscaped and maintained with trees, shrubs, lawn and ground cover, specifically native and drought tolerant species. No less than forty (40) percent of the net acreage of the entire development shall remain in permanently landscaped areas. The development shall be landscaped in accordance with the requirements of Section 7.4.5 herein.

7.7.4 Parking

No less than two (2) off-street parking spaces shall be provided for each dwelling unit. In addition, one (1) off-street parking space for each four (4) dwelling units shall be provided for guest parking. All parking spaces and driveways shall be paved with either asphalt or concrete and properly drained.

7.7.5 Recreational Vehicle Storage

An apartment development with more than twelve (12) units shall provide a paved parking surface enclosed with a sight obscuring fence at least six (6) feet in height, for the storage of operable and licensed recreational vehicles. This area shall be developed at the ratio of fifty (50) square feet per unit. The City Council may waive this requirement by requiring as a condition of approval that no recreational vehicle be parked or stored within the apartment development.

7.8 Mobile and Manufactured Home Parks and Subdivision Developments

7.8.1 Standards and Conditions

In addition to the requirements set forth in this Chapter, mobile and manufactured home parks and subdivision developments shall conform to the following minimum standards:

7.8.1.1 Area

No mobile or manufactured home park or subdivision shall be constructed on a parcel of property which has an area of less than two (2) acres.

7.8.1.2 Density

The mobile or manufactured home park or subdivision shall contain no more than an average of six (6) lots or home spaces for each acre in the park.

7.8.1.3 Open Space

There shall be a twenty (20) foot buffer strip along all streets or roadways adjoining the park or subdivision that shall be landscaped and onto which no mobile or manufactured home or parking spaces shall be placed. Such buffer strips and other common open space shall be maintained by the Owner of the park or association of lot owners of the subdivision.

7.8.1.4 Minimum Setbacks

Minimum setbacks for individual lots shall be six (6) feet on all sides, including front and rear, except for any side or rear abutting the project property line, in which case the minimum setback shall be twelve (12) feet.

7.8.1.5 Lot Dimensions

There shall be a minimum lot area of 4,500 square feet with a 50 foot minimum width for each mobile or manufactured home lot.

7.8.1.6 Height

No mobile or manufactured home shall be permitted which has a ceiling height of greater than thirty (30) feet.

7.8.1.7 Parking

There shall be a minimum of two (2) occupant parking spaces for each mobile or manufactured home lot and one (1) visitor space for each three (3) home lots.

7.8.1.8 Signs

Signs shall be subject to the standards of Section 3.28 herein.

7.8.1.9 Storage Space

A combined area of at least one hundred (100) square feet for each mobile or manufactured home space shall be provided for the storage of boats, campers, RV's and similar vehicles. Said storage must be enclosed within a sight-obscuring fence of six (6) feet in height.

7.8.1.10 Recreational Area

Twenty-five percent (25%) of the total park area shall be devoted to recreational uses and facilities including trails, parks, playgrounds and meaningful open space. No more than ten percent (10%) of the common area shall be covered by buildings. Use of such facilities shall be limited to park or subdivision residents only and shall be completed prior to home occupancy.

7.8.1.11 Landscaping

The mobile or Manufactured Home Park or subdivision shall have a prepared landscape plan for open space and recreational areas. Said plan shall meet the minimum standards of this Code.

7.8.1.12 Fire Protection

There shall be a fire hydrant located within 250 feet of any mobile or manufactured home, service building, or other structures in the development.

7.8.1.13 Garbage Removal

Provisions must be made by the developer for the storage, collection, screening and disposal of solid waste.

7.8.1.14 Skirting/Foundation

The undercarriage of each mobile or manufactured home shall be enclosed with a skirting material to match the home or the home shall be placed on a foundation approved by the City.

7.8.1.15 Streets

Streets in mobile or manufactured home parks or subdivisions shall be constructed according to Coalville City Engineering Standards and Specifications.

7.8.2 Bonding

All required improvements including recreational facilities in a mobile or manufactured home park or subdivision shall be completed or bonded prior to building permit issuance.

7.8.3 Limit Per Space

Only one mobile or manufactured home shall be allowed on any one space. Travel trailers, campers, boats and similar vehicles shall not be allowed on any home space but shall be located within the storage space required in Subsection 7.8.1.9 herein.

7.8.4 Commercial Uses

Commercial uses, if any, in mobile or manufactured home parks or subdivisions shall be located in the interior of the park and shall be limited to uses which are primarily for the convenience of residents and may include such items as coin operated machines for laundry, soft drinks, snacks or similar items.

7.8.5 Conventional Dwelling Restricted

Mobile or manufactured home parks or subdivisions shall be restricted to mobile or manufactured homes; provided however, one conventional dwelling shall be permitted as a residence for the manager of the park or subdivision.

7.8.6 Ownership and Maintenance**7.8.6.1 Mobile or Manufactured Home Parks**

Prerequisite to the operation of any mobile or Manufactured Home Park shall be the obtaining of an annual business license which shall be issued only after inspection by the City Staff. The license shall be refused or revoked upon failure of the owner or operator to maintain the park in accordance with the standards and requirements as set forth herein.

7.8.6.2 Mobile or Manufactured Home Subdivisions

Lots within mobile or manufactured home subdivisions may be sold to individuals or party owners provided that a Lot Owners Association is organized to ensure maintenance of the subdivision. The Articles of Association shall provide that:

7.8.6.2.1 The common property shall be deeded to the Lot Owners Association or dedicated to the sole use and enjoyment of the landowners.

7.8.6.2.2 The Lot Owners Association shall be responsible for maintaining common property.

7.8.6.2.3 Sufficient funds will be generated for the maintenance of common property by levying fees and assessments against the homeowners and guaranteeing the payment of such liens against the individual properties.

7.8.6.3 Transition from Mobile or Manufactured Home Park to Mobile or Manufactured Home Subdivision

An owner of a mobile or manufactured home park shall not sell off any lots without having such subdivision proposal approved by the City and recorded in the Office of the County Recorder.

7.9 Preliminary Development Plan

Following a Concept Plan meeting with the Community Development Director and Planning Commission, an applicant for approval of a MPD shall submit a Preliminary Development Plan application to the City for review.

7.9.1 Form

The Preliminary Development Plan shall be drawn to a scale not smaller than one hundred (100) feet to the inch on standard twenty-four (24) inch by thirty-six (36) inch medium. Each sheet of the development plan shall contain the name of the development, the scale of the drawing, the sheet number, an arrow indicating north, and a vicinity map.

7.9.2 Information Required

The Preliminary Development Plan shall contain all applicable information required by this Code and the following information:

1. The proposed name of the development.
2. Where the proposed plan covers only a portion of the project site, or is part of a larger vacant area, the plan shall show the location of the development as it relates to the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the remaining part(s) shall be submitted and the street system of the proposed development and connections with the future street system of the larger area shall be shown.
3. The names and addresses of the owner, the subdivider, the engineer or surveyor and planner of the development, and the owners of all lands or parcels immediately adjoining the MPD as shown on the records of the Summit County Recorder or Assessor.
4. A two (2) foot contour map of the project site showing existing conditions of the property including slope, ridgelines, vegetation, rock outcroppings, drainages and other similar features.
5. The boundary lines of the property to be developed.
6. The lot dimensions and square footage of each lot.
7. Existing curbs, gutters, sidewalks, sanitary sewers and manholes, storm drains and manholes, water supply main valves and lines, culverts, and fire hydrants within the property or within two hundred (200) feet of the boundaries of the proposed development. The dimensions or size of all such improvements shall also be indicated.
8. The location of existing water courses, wetlands, ditches, bridges, culverts, surface or subsurface drainage ways, utilities, buildings, pumping stations or appurtenances, within the development or within two hundred (200) feet thereof.
9. The location, principal dimensions and names of all existing or recorded streets, alleys and easements, both within the proposed development and adjacent to the boundary thereof, whether recorded or claimed by usage; the location of and distance to the nearest existing benchmark (or monument) and section line.
10. The location, width and other dimensions of proposed curbs, gutters, sidewalks, streets, easements, parks and other open spaces with proper labeling, and of land to be dedicated as open space.
11. Proposed water facilities, sanitary sewers, storm drainage facilities, and fire hydrants, located either within or without the development.
12. Grading and drainage plan showing proposed cut and fill slopes and a plan by which the developer proposes to accommodate, within the development, the storm water drainage. This system must be adequate to handle a twenty (20) year/ two (2) hour storm.
13. Boundary lines of adjacent parcels of land, showing ownership and property monuments.
14. A tabulation of each proposed use by acreage and its percentage of the total acreage.
15. Parks, playgrounds, common areas and facilities, limited common areas and facilities appurtenant and other improvements within the MPD.
16. Location of all dwellings and other structures in the development, the common areas, limited common areas and other areas of private ownership, including open spaces and how the areas will be preserved and protected.

17. Landscape and irrigation plan for each landscaped area of the development, including areas which will be held in common or limited common ownership.
18. Building elevations and basic floor plans for all buildings within the development or guarantees in the form of covenants that the buildings on individual lots will be compatible in value and design with other buildings in the development.
19. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan as submitted.
20. Lighting and signing plan for the development entry(s), streets, common areas, parking and other facilities as applicable.

Other Documentation:

1. Zone changes. Any written requests for proposed changes to existing zoning district boundaries or zoning classifications that are necessary for approval of the MPD.
2. Agreements. Copies of any necessary or required agreements with property owners adjacent to the proposed MPD, or with any other person or entity.
3. Irrigation Companies. Written approval of adjoining irrigation, ditch or canal companies to authorize any required fencing and easement access protection.
4. Statement of Intent. A statement of intent shall be submitted with the development plan. A statement of intent is a narrative describing the concepts the developer proposes to implement with the project development. The statements shall be descriptive and shall include but may not be limited to:
 - (1) Market analysis.
 - (2) Design theme of entire project to include treatment of buildings, landscaping, mailboxes, street signs and lighting, and trails/walkways.
 - (3) Buyer profile. An expected buyer profile should be described. (The project amenities are dictated somewhat by the buyer profile.)
 - (4) Selling or lease price range of the units.
 - (5) Common area amenities not detailed on the development plat.
 - (6) Proposed budget for common area amenities and landscaping.
 - (7) Maintenance and repair of common, limited common, and private areas.
 - (8) Complete and Detailed Project construction phasing.
 - (9) A list of amenities proposed for the development.
 - (10) A time schedule for the completion of common area facilities including landscaping, parking, parks, and other improvements.
5. Impact Analysis. Pursuant to Section 1.13 of this Code, the developer shall be responsible to perform an impact analysis to determine the possible impacts of the proposed development on the existing public infrastructure systems of the City.

6. Development Agreement. Depending on the complexity and issues surrounding the proposed MPD, a development agreement may be required for the project,

7.9.3 Other Conditions

The Planning Commission may recommend and the City Council may impose such conditions on the development plans as they deem appropriate to meet the goals and objectives of this Code. The City Council will not approve a MPD which is found to be deficient in meeting the intent of these provisions.

7.9.4 Master Planned Developments Approval

All proposals for MPD approval shall be reviewed by the Planning Commission. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council. In reviewing requests for MPD's, the Commission shall consider the overall planning for the project, including:

1. Consistency with the General Plan.
2. The overall site plan including density, compatibility with surrounding uses, traffic circulation within the project and on the adjoining streets, both existing and proposed, land uses within the proposed project area including both commercial and residential.
3. Identification of development parcels within the larger tract, and the order in which development is proposed or should be permitted to allow for the orderly and economic expansion of City services and infrastructure.
4. Other pertinent planning and land use issues that are affected by the project, such as the impacts on schools, fire protection, water, sewer and utility services and capacity, drainage, and similar on and off site issues, and geologic or other natural hazards.
5. Designation of usable open space and conservation alternatives, and trails and other recreational amenities, natural resources, sensitive lands and mitigation areas.
6. Control of delivery and service vehicles, loading and unloading zones, and screening of trash or re-cycling pick-up or storage areas.
7. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies.
8. Any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested based on the nature of the project or the site, including environmental impact studies as per Chapter 9 of the Development Code if the MPD is within Sensitive Lands.

7.9.4.1 City Council Approval Issues

The City Council may approve, amend and approve or deny the Preliminary Development Plan as recommended by the Planning Commission. The City Council may also remand the Preliminary Development Plan back to the Planning Commission for further review and evaluation. The City Council may approve the Preliminary Development Plan provided they find:

1. The proposed development will provide a living environment at least as pleasant and attractive as would be provided by a conventional residential development established under the strict application of the provisions of the underlying zone.

2. The MPD project will provide more efficient use of the land and more usable and permanent open space than a conventional development permitted by the underlying zone and will further the objectives of the General Plan.
3. That any increased amenity density bonus allowed within the proposed MPD will be reasonably compensated by improved community amenities and public recreational opportunities and facilities.
4. That any impact density bonus allowed within the proposed MPD is justified by the adverse impact of the proximity of the MPD to commercial development, multiple family housing units, or other similar factors.
5. That any variation allowed from the development standards of the underlying zone does not create increased unreasonable hazards to the health, safety and general welfare of the residents of the proposed MPD and adjacent areas.

7.9.4.2 Length of Approval

The Master Planned Development approval granted by the City Council following a recommendation from the Planning Commission shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Approval will lapse after two years of inaction, unless extended for up to one year by the Council.

7.9.4.3 Master Plan Revisions

Changes in the Master Plan requested by the developer will be reviewed as a plat amendment by the Planning Commission and City Council. A change will be defined as any change in concept, unit type, configuration or number. At that time, the Planning Commission shall review the entire MPD for consistency with the original approval, even if only one parcel or phase is involved in the modification. The proposed modification shall be reviewed under the regulations in effect at the time of review.

7.9.4.4 Record of Approval

When a Master Planned Development approval is granted, the approval may be noted in a recordable development agreement stating the legal description of the property involved, and the general nature of the approval. The development agreement shall include a copy of the actual master plan. The purpose of recording the development agreement is to put prospective purchasers on notice that the land has been included within a master plan that has established density ranges and land uses that might be more or less restrictive to individual parcels than the underlying zoning regulations might imply.

7.9.4.5 Development on Planned Parcels

Development proposals for each approved development parcel within the Master Plan shall be reviewed by the Planning Commission and City Council according to the final subdivision plat process.

7.10 Final Development Plat

7.10.1 Failure to Submit a Plan

Failure to submit a Final Development Plat within one (1) year of the date of approval of the Preliminary Development Plan shall terminate all proceedings and render approval of the Preliminary Development Plan null and void.

7.10.2 Plat Preparation and Qualifications

A Final Development Plat of the MPD shall be prepared by a qualified surveyor and engineer and submitted to the City, together with the required fees. All Final Development Plats must be signed by a licensed surveyor and must conform to any applicable City standards.

7.10.3 Plat Requirements

The Final Development Plat shall be drawn on Mylar having outside or trim line dimensions of twenty-four by thirty-six (24 x 36) inches. The plat shall be drawn so that the top of the

drawing faces north. All lines, dimensions and markings shall be made on the plat with waterproof black ink. The plat shall be of a scale large enough to clearly show all details not smaller than one hundred (100) feet to the inch. The finished drawing shall be neat, clean-cut and readable and shall be in conformance with the format approved by the City and the County Recorder. The final plat shall contain the following information:

1. The name of the development.
2. A north arrow, the scale of the drawing and the date of preparation of the plat.
3. All lot sizes, which shall be indicated in square feet and acres.
4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the MPD, properly tied by reference to two public survey monuments. These lines shall be heavier than street and lot lines.
5. The names, widths, lengths, bearings and curve data of proposed streets, public utility and irrigation easements; also the boundaries, bearings and dimensions of all areas within the subdivision intended to be dedicated for the use of the public; also the lines, dimensions, bearings and numbers of all lots, blocks and land area reserved for any reason within the MPD. All lots, blocks, and streets shall be numbered in accordance with the street numbering system adopted by the City. Corner lots shall be assigned an address for each side of the lot having frontage. Streets may be named as approved by the City, however, each street must have a number.
6. A licensed land surveyor's "Certificate of Survey".
7. The description of the boundaries of the development.
8. The owner's Certificate of Dedication.
9. The signature of every person who owns or has an ownership interest in the property within the development and a notary public's acknowledgment of all such signatures.
10. The Planning Commission's approval of the development plan with the signature of the Planning Commission Chair.
11. A signature block for the Mayor and City Recorder.
12. The City Engineer, Public Works Director, Utah Power, North Summit Fire District and City Attorney approval and signature.
13. A notice of all covenants, conditions and other restrictions which may be relevant and applicable to the property contained on the plat.
14. Designation of common areas, limited common areas, open spaces and private ownership areas.

15. Identification of landscaped areas, limits of disturbance, parking areas, driveways and other features required by the Development Code.
16. Plat restrictions, lot or deed restrictions, covenants and other information required by the Planning Commission and/or the City Council.
17. In the case where the MPD is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written opinion shall state that the condominium declaration, the record of survey map and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and survey map have been recorded in the office of the Summit County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

7.10.4 City Council Approval Issues

The City Council, following a recommendation of the Planning Commission, may approve the Final Development Plat of the MPD provided it finds:

1. All of the conditions of approval of the Preliminary Development Plan have been incorporated into the Final Development Plat.
2. All construction drawings of the MPD in accordance with Section 6.14.3 have been approved by the City Engineer, Public Works Director and Community Development Director.

7.10.5 Recordation

The Final Development Plan shall be recorded by the City Recorder within five (5) working days after approval by the City Council.

Chapter 8

COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENTS

This chapter details the regulations and requirements for any commercial and light industrial developments that occurs in Coalville City. This chapter will address issues such as intensity, circulation, design, compatibility, and landscaping. The approval process is also outlined in this chapter. All commercial and light industrial developments are required to satisfy these requirements and those found in the relevant sections of Chapter 5 and 6 herein.

Contents of this chapter

8.1 Relationship to Other Requirements of This Code and Other Federal, State and City Ordinances	8-2
8.2 Purpose for Commercial and Light Industrial Development Standards	8-2
8.3 Design and Layout Considerations	8-2
8.4 Submission and Approval Process	8-5
8.5 Exceptions to the Requirements of Chapter 6 and Other Requirements of this Code ..	8-10

8.1 Relationship to Other Requirements of This Code and Other Federal, State and City Ordinances

The requirements for commercial and light industrial developments of this Chapter are in addition to all other applicable requirements of this Code and other Federal, State and City Ordinances. All commercial developments must satisfy all the requirements of this Chapter and all other applicable Federal, State and City requirements including the requirements found in this Code, especially Chapter 6, prior to Final Plan approval.

8.2 Purpose for Commercial and Light Industrial Development Standards

These Commercial and Light Industrial Development Standards are adopted for the following purposes:

1. To provide organized, safe, and sustainable commercial and light industrial development within the City.
2. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community, avoiding congestion and providing effective pedestrian linkages.
3. To establish standards of architecture and design in order to create an attractive commercial and light industrial area that will draw desirable tenants, add beauty to the City, and in the case of the Community Commercial Zone become a gathering place for citizens.

8.3 Design and Layout Considerations

All applications for commercial and light industrial development will be required to submit a Concept Plan and prepare a Final Plan using the criteria in this Section as a guide, and in accordance with Section 8.4 of this Chapter. The Planning Commission will also use these criteria in considering approval of a Final Plan.

In addition to the requirements established herein and in Chapter 6, all Final Plans shall comply with all applicable statutory provisions, Sensitive Lands Overlay Zone regulations, Uniform Building and related Codes, City design standards and specifications, the Street Master Plan, the General Plan, the Zoning Map, the Trails Master Plan, Public Utilities plans, and Capital Improvements Program of the City or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems and parks, and the rules of the Utah Department of Transportation if the commercial and light industrial development abuts a state highway or connection street.

If the owner places restrictions on any of the land contained in the development greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plan, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder.

8.3.1 Unsuitability

If an application includes lands unsuitable for commercial and light industrial development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, the land shall not be developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer, and approval of the City Engineer and Community Development Director, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall be on the developer to establish the viability of development in these sensitive or unsuitable areas.

Unsuitable land shall be set aside or reserved for uses that do not involve a danger or environmental impact. Development located in sensitive lands shall be further regulated by Chapter 9 of this Code.

Additionally, consideration shall be given to soil conditions and ground water existence, and may require appropriate setback and conservation measures.

8.3.2 Development Name

The proposed name of the development and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other development, subdivision or street in the area covered by these regulations or nearby communities. The Planning Commission shall recommend appropriate names to the City Council who shall have final authority to designate the final name of the development and to select street names.

8.3.3 Compliance With Zoning Provisions

All applications for commercial and light industrial development are required to satisfy the applicable zoning provisions of Chapter 5 herein. Each commercial and light industrial development shall also satisfy the parking requirements found in Chapter 3 of this Code. All commercial and light industrial projects are subject to the performance guarantee required by this Code.

8.3.4 Development Design

It is the intention of this Chapter to create attractive and sustainable commercial and light industrial development. By requiring commercial developments to meet strict design and landscaping standards Coalville City believes the commercial zones will become places where citizens and visitors will frequent often, thus making the development more sustainable and integrated into the community.

8.3.4.1 Landscaping Requirements

The landscaping requirements found in this section are in addition to any other landscaping requirements of this Code or any other City landscaping ordinances. Each applicant for commercial and light industrial development shall submit a complete and detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents and plans.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one (1) tree per thirty (30) lineal feet along the public street. The applicant shall provide appropriate guarantees on the trees. Trees shall be no less than 1 ½ to 2 inch caliper in size. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All disturbed ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be sufficiently irrigated. Shrubs, flowerbeds, bark mulch, rock and other appropriate ground cover is highly encouraged, specifically native and drought tolerant species. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Parking areas shall be screened from public view using a landscaped berm, decorative screening wall, planted hedge, or other manner acceptable to the Planning Commission.

8.3.4.1.1 Maintenance of Landscaping

All landscaped areas shall be maintained on a regular basis and be kept neat and clear of weeds, trash and debris. If the maintenance requirement has not been satisfied, the Staff shall notify the owner of the subject property. The Staff will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant enforcement action.

8.3.4.2 Design, Architecture, Signs, and Compatibility

In addition to the other requirements of this Code, the following design requirements shall apply to each commercial and light industrial development approved under this Chapter.

1. **DEVELOPMENT DESIGN.** The architecture, form, mass, lighting, and signage of all commercial and light industrial development is an important review criteria for the Planning Commission. The architecture of the buildings should reflect the residential nature of the community. Buildings that resemble residential structures are highly encouraged. Typical strip mall development with large parking lots, large signs, and minimal landscaping will not be approved. Larger anchor tenants will be allowed in commercial areas as detached structures. However, these large anchor tenants will be required to maintain as much compatibility with other structures in the vicinity as possible.
2. **COMPATIBILITY.** All commercial and light industrial development shall be compatible with surrounding development as appropriate with respect to form, mass, color, building materials and signing. Therefore, each application shall include color and materials board showing examples of colors and materials to be used in the exterior construction of the proposed project. The Planning Commission may make recommendations to the applicant in order to improve compatibility with surrounding development as appropriate.
3. **TRASH and DEBRIS STORAGE.** No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. All such areas shall be completely screened from public view in a manner acceptable to the Planning Commission.
4. **TRASH COLLECTION AREAS.** All trash collection areas shall be designed to be compatible with the proposed project. These areas should be screened using the same building materials of the proposed structure or through landscaping acceptable to the Planning Commission.
5. **LIMITED ACCESS.** The commercial and light industrial areas in Coalville are generally located on streets with a higher potential for traffic congestion. Therefore, access to commercial and light industrial developments shall be limited to the extent possible in order to maintain traffic flow. However, each commercial and light industrial development is required to incorporate two points of ingress and egress to the proposed development. No point of ingress and/or egress shall be located closer than one hundred (100) feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission if necessary and appropriate.
6. **STORAGE DEVELOPMENTS.** All storage doors and entrances, and parking in storage developments shall be internally located and not located on a public street. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed and approved by the North Summit Fire District. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished. Provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic opening devices and lock combinations.

All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be kept in good repair. Fencing other than chain link which is similar in design to other structures within the development is highly desirable. The rear sides of buildings which provide adequate security may satisfy this requirement.

Storage developments are encouraged to provide multi-pitched roof lines through the use of dormers and gables, whether real or false facade and may be required to do so in order to maintain compatibility with surrounding or proposed development. Additionally, storage developments should use natural materials and colors such as brick, split-faced block, wood siding, stucco, or other attractive materials as found acceptable to the Planning Commission in the construction of all structures in the development which face onto public streets.

8.3.5 Development Layout

Unlike other developments approved under this Code, commercial and light industrial developments may have more than one main structure per parcel. In such cases, the applicant shall provide a project master plan to the Planning Commission indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Setback requirements in commercial and light industrial zones may be varied to improve appearance and circulation, but must be approved by the Planning Commission. The Planning Commission shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements.

8.3.5.1 Parking

In addition to the minimum parking requirements of Chapter 3, each commercial and light industrial development must satisfy the following standards:

1. Parking shall be located at the side or in the rear of commercial and light industrial buildings with the building located between the street and the parking lot. The Planning Commission may modify this requirement if the applicant can show undue hardship in meeting this requirement due to topography, safety, or other valid reason.
2. If an applicant can prove, to the satisfaction of the Planning Commission, that fewer parking spaces are needed due to the sharing of parking spaces among adjacent businesses, the Planning Commission may allow fewer parking spaces.
3. All parking areas shall be appropriately landscaped. At a minimum, ten (10) percent of the internal portion of all designated parking areas shall be landscaped. Trees, shrubs, flower beds, lawn, and ground covers should be used to soften the parking areas. Maintenance of these areas shall be consistent with Section 8.3.4.1.1 of this Chapter.

8.3.5.2 Pollution Prevention

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Quality Division or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.

8.4 Submission and Approval Process

The applicant, Staff and Planning Commission shall meet and discuss the proposed project in the conceptual stage. The applicant can use the Concept Plan meeting to ask questions of the Planning Commission and Staff, and receive direction on development design and layout. At the Concept Plan meeting, the Staff and Planning Commission will inform the applicant of the uses allowed in the zone. The Planning Commission may also discuss the procedure for approval of a commercial and light industrial development and the specifications and requirements as to general design and layout of streets, reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts and similar matters, as well as the availability of existing services.

The Planning Commission may also advise the applicant, where appropriate, to discuss the proposed development with those agencies who must eventually approve those aspects of the Final Plan within their jurisdiction, including but not limited to, the North Summit Fire District and the various utility service providers. Neighbors of the proposed project may also be consulted to get their views and concerns.

8.4.1 Concept Plan Application Procedure and Requirements

Prior to any approval of a Commercial or Light Industrial Development, the owner of the land or an authorized agent shall submit three (3) copies of a proposed Concept Plan application to the Planning Commission. The plan shall:

1. Include all contiguous holdings of the owner with an indication of the portion which is proposed to be developed. An indication of the proposed future use for those contiguous areas not included in the development, if any.
2. Be accompanied by the proper review fee in accordance with the adopted Fee Schedule.
3. Include an address and telephone number of the applicant and property owner.
4. Be accompanied by a list of all property owners within three hundred (300) feet of the proposed commercial and light industrial development and current mailing addresses as shown on the County Assessors tax files.
5. Include a general written and graphic representation of the proposed development, all approvals being sought, and a presentation of the design theme and layout of the proposed commercial and light industrial development.
6. Context map showing surrounding structures and roadways.
7. Any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested based on the nature of the project or the site.

8.4.1.1 Staff Review of Concept Plan

The Staff shall review the Concept Plan and render a report at a regular meeting of the Planning Commission concerning the plan. The Staff shall transmit the Concept Plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, fire and other special service type districts, and other official agencies as necessary or as mandated by law, including any review required by regional, or state agencies under applicable state or federal law. Staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for review by the Planning Commission at the next available regular meeting.

The scale or complexity of a project or Staff workload will dictate the processing period. The Staff will provide the applicant a projected time frame when an application is filed. If the work load is too great for processing by available Staff in a time frame acceptable to the applicant or if additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer will be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

8.4.1.2 Planning Commission Review of Concept Plan

The Planning Commission shall study the Concept Plan and Staff report, taking into consideration the requirements of this Code and the General Plan. Particular attention will be given to the arrangement and location of structures, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, the future development of adjoining lands, and the requirements of the Official Zoning Map, General Plan, Land use map(s) and Streets Master Plan, as adopted by the Planning Commission and City Council.

8.4.1.3 Planning Commission Action

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, Staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of specific changes or additions, if any, required in the layout, and the character and extent of required improvements and reservations required as a prerequisite to the approval of the Final Plan. The Planning Commission may require additional changes as a result of further study of the project in final form. If the Concept Plan is acceptable, the Planning Commission will grant the applicant the right to move forward with authorization to prepare and submit a Final Plan.

8.4.2 Final Plan

Following the review of the Concept Plan, the applicant may file an application for a Final Plan. The Final Plan shall be prepared by a registered land surveyor licensed by the State of Utah. The Final Plan shall be prepared in India ink on reproducible Mylar at a scale not less than one hundred (100) feet equals one (1) inch. The provisions herein are minimum requirements and other information may be required by the City Council, Planning Commission, or Staff as the need dictates. The applicant shall provide the City with two (2) copies of the Final Plan with one of the copies being produced on reproducible Mylar. Additionally, the City requires a disk copy of any Final Plan prepared on a computer in a format approved by the City.

8.4.2.1 Revisions

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plan which was not present on the Concept Plan or a requirement of approval by the City Council, it is the applicant's responsibility to inform the Planning Commission and City Council of the changes. Failure to inform the Planning Commission or City Council of revisions not present on the Concept Plan or a requirement of approval may result in revocation of any or all approvals.

8.4.2.2 Information to be Shown on Final Plan

The following information is intended to be as complete as possible. However, the applicant is responsible to include all information required by this Code, the Planning Commission, City Council or Staff on the Final Plat whether included in this list or not. Failure to show all information required by this Code, the Planning Commission, City Council or Staff may result in denial of the plan. The Final Plan shall be presented to the City at least two (2) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed.

The Final Plan shall include the following:

1. The date of the map, approximate true north point, scale, and name of the development.
2. The location of property with respect to surrounding property and streets with addresses, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
3. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as wetlands, vegetation, rock outcroppings, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Staff.
4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
5. The location, dimensions, and areas of all proposed or existing parcels complete with utility easements, lot or parcel numbers, proposed addresses, square footage of each lot or parcel, and building setback lines.
6. The location and dimensions of all property proposed to be set aside for park, playground or trail use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
7. The name and address of the owner or owners of land to be developed, the name and address of the developer if other than the owner, and the name of the land surveyor.

8. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and distance of all property lines and the location of all proposed monuments.
9. Names of all proposed streets.
10. All information required by the Planning Commission or Staff after review of the Concept Plan.
11. Explanation of drainage and site easements, if any.
12. Explanation of reservations and conservation easements, if any.
13. Signature blocks for endorsement by the Planning Commission Chair, Mayor, City Engineer, North Summit Fire District, Public Works Director and any other signatures required by the City.
14. All utility facilities existing and proposed throughout the development and indication of the nearest location of all public and private utilities.
15. If the plan does not include all contiguous property of the owner of the development, an indication of future use of the contiguous property.
16. Indication of all slopes 0-8%, 8-15%, 15-30%, and slopes greater than 30%.
17. A preliminary title report covering all properties located within the project updated to within thirty (30) days of the Final Plan approval, if applicable.
18. The names and current mailing addresses of the all property owners within three hundred (300) feet as shown on the County Assessor's tax files.
19. Complete Construction Drawings containing the information required in Section 8.4.2.3 and any other information required by the Planning Commission or Staff.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of an incomplete application and disapproval of a Final Plan.

8.4.2.3 Construction Drawings

Construction Drawings shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet. These requirements are the minimum, other information may be required by the Planning Commission, City Council, or Staff.

The following information is intended to be as complete as possible. However, the applicant is responsible to include all information required by this Code, the Planning Commission, City Council or Staff in the Construction Drawings whether included in this list or not. Failure to show any information required by this Code, the Planning Commission, City Council or Staff may result in denial of the plans.

The following information, at a minimum, shall be shown:

1. Plans and profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.

3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, and other pertinent features such as water bodies, streams, wetlands, vegetation, rock outcroppings, buildings, and each tree or group of trees and shrubs to be preserved. If the development borders a lake, river, or stream, the distances and bearings of a meander line established along the ordinary high-water mark of such water ways.
5. Topography with contour intervals of two (2) feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plans.
6. All other specifications, details, and references required by the Coalville City Engineering Standards and Specifications.
7. The Construction Drawings should provide signature blocks for the Planning Commission Chair, Mayor, City Engineer, Public Works Director as well as the applicant's engineer, surveyor, architect and landscape architect.
8. Title, name, address, signature, and seal of the professional engineer, architect and landscape architect preparing the plans, and date, including revision dates.
9. A limits of disturbance and revegetation plan.
10. Site grading and drainage plans.
11. Landscape, maintenance and irrigation plans.
12. Phasing plan.
13. Lighting and signing plans.
14. Building elevations and floor plans.

8.4.2.4 Format

The applicant shall provide two (2) copies of the Construction Drawings to the City.

8.4.2.5 Planning Commission Public Hearing and Recommendation of Final Plan and Construction Drawings

The Final Plan and Construction Drawings shall be presented to the Planning Commission for their review and recommendation at least two (2) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed. The Planning Commission will review the Final Plan and Construction Drawings for compliance with the requirements of this Code. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the Final Plan and Construction Drawings. The recommendation of the Planning Commission will be forwarded to the City Council for consideration.

The Planning Commission shall not recommend approval of the Final Plan and Construction Drawings until all review fees have been paid in full according to the fee schedule found in Appendix C herein.

8.4.2.6 Council Approval of Final Plan and Construction Drawings

Following a recommendation for approval, approval with conditions or denial of a Final Plan and Construction Drawings by the Planning Commission, the project shall be placed on the City Council Agenda. After review of the Final Plan and Construction Drawings and considering the Planning Commission recommendation, the Council shall approve, approve with conditions, or deny the Final Plan and Construction Drawings. The City Council may also remand the project back to the Planning Commission for further review and evaluation.

8.4.2.7 Dedications

At the time of Final Plan and Construction Drawings approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.

If required by the City Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the City in the sum not less than ten thousand dollars (\$10,000.00), which sum shall be determined by the City Attorney and or Engineer before signing of the Final Plan.

8.4.2.8 Proof of Utility Service

The Final Plan and Construction Drawings shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission.

8.4.2.9 Outstanding Obligations

At the time of Final Plan and Construction Drawings approval, the applicant shall provide evidence that all taxes are current and that no other City debts or obligations are outstanding and no liens or encumbrances are placed on the property.

8.4.2.10 Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any Plan by reason of Final Plan and Construction Drawings approval until the actual signing of the Plan by the Chair of the Planning Commission and the Mayor. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the development generally shall be deemed a condition of approval to the signing of the Final Plan and Construction Drawings.

8.4.2.11 Signing of Final Plan

The Chair of the Planning Commission and Mayor shall endorse approval on the Final Plan after all the conditions pertaining to the Final Plan approval have been satisfied. The Chair of the Planning Commission and the Mayor will sign the reproducible Mylar original of the Final Plan.

8.5 Exceptions to the Requirements of Chapter 6 and Other Requirements of this Code

Exceptions to this Development Code for commercial and light industrial development are limited to the following:

1. More than one structure may be placed on a commercial or light industrial parcel if the setbacks and all other requirements are satisfied.
2. The owner of commercial property does not need to provide a name for the commercial or light industrial development.

3. Other requirements, which can be clearly demonstrated by the applicant, are not applicable to commercial or industrial development.

Chapter 9

SENSITIVE LANDS REGULATIONS

This Chapter details the regulations associated with the assessment, treatment and management of Sensitive Lands identified during project specific impact studies or analysis.

SPECIAL NOTE: This Chapter is in addition to any existing ordinance regulating any Sensitive Lands in Coalville City. In no way is this Chapter meant to repeal or supersede those regulations. In the event of conflict of this Chapter and any other ordinance of the City, the stricter of the two shall apply.

Contents of this chapter

9.1 Sensitive Lands Defined	9-2
9.2 Application and Analysis Requirements.....	9-3
9.3 Sensitive Lands Regulations	9-5
9.4 Administrative Provisions.....	9-9
9.5 Design Standards	9-9
9.6 Tree and Vegetation Protection.....	9-10
9.7 Economic Hardship Relief Provisions.....	9-11

9.1 Sensitive Lands Defined

For the purposes of this Code, any development, development activity or use located within Sensitive Lands must satisfy the requirements of this Chapter. Sensitive Lands include, but are not limited to:

1. Drainage ways, floodplains, lake shores, water shed and recharge zones.
2. Entry corridors and important vantage points as determined by the Staff, Planning Commission and City Council.
3. Natural or environmentally hazardous areas.
4. Scenic view sheds, foothills, and ridgelines as determined by the Planning Commission and City Council.
5. Slopes greater than fifteen (15) percent.
6. Unique natural features such as dense tree or shrub stands, rock outcroppings, ponds or springs and historic features.
7. Stream corridors.
8. Wetlands
9. Wildlife habitat and fisheries.

9.1.1 Sensitive Lands Definitions and Usage

For the purposes of this Chapter, certain unique terms and words used herein shall be used, interpreted, and defined as set forth in this Section.

1. Compatible - A development is compatible with an existing development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property, including agricultural properties.
2. Crest of Hill - The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.
3. Substantial economic hardship - Denial of all reasonable economic use of the property.
4. Development Approval Application - Includes any application for any development approval including but not limited to grubbing, grading, an alteration or revision to an approved MPD, conditional use approvals, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.
5. Development Code - The Coalville City Development Code, as adopted and amended.
6. Maximum Extent Feasible - Means no prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."
7. Open space - Shall have the meaning set forth in Chapter 2 of this Code.

8. Ordinary High Water Mark - The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.
9. Qualified Professional - A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.
10. Ridgeline Areas – For the purposes of this Chapter, ridgelines shall be defined as the natural crest of a hill or mountain as viewed from major roads. The roofline of any structure in the proposed development shall not protrude above the ridgeline except for antenna towers, structures and associated appurtenances and access roads.
11. Significant Wetland - Wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water, riparian vegetation and soils, or which are adjacent to or contiguous with a stream corridor as identified by the Army Corps of Engineers, Soils Conservation Service, or other applicable state or federal agency.
12. Slope - The level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.
13. Steep Slope - Slopes greater than fifteen (15) percent.
14. Stream - Water Courses, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year around or intermittently during years of normal rainfall.
15. Stream Corridor - The corridor defined by the stream's ordinary high water mark and riparian vegetation boundary.
16. Wildland Interface Zone - Those areas with special safety considerations because of their location on the urban fringe. All areas within the Sensitive areas Overlay Zone shall be considered to be in the wildland interface zone unless the Fire Marshall determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steep slope.

9.2 Application and Analysis Requirements

Any proposed development, development activity or use located in or partially in Sensitive Lands require the following application and environmental impact studies, consisting of an analysis of each of the elements found in 9.2.1 and 9.2.2 listed below and as designated by the Planning Commission. The studies shall follow all standards that apply in this Chapter and provide enough information to the City to be able to reasonably designate the sensitive lands areas. No approval will be granted for any project located in the Sensitive Lands Overlay Zone or having sensitive lands as defined by this Chapter until the applicant has provided adequate mitigation measures to offset the development impacts.

9.2.1 Sensitive Lands Identification

Any applicant for project approval which contains sensitive areas as defined in this Chapter must produce a sensitive areas analysis performed by qualified professionals as approved by the City that identifies and delineates all the following features and conditions:

Steep slopes, ridgelines, entry corridors, wetlands areas and stream corridors and other areas based on information submitted pursuant to this section, including any other information and data

available to or acquired by the City. Delineation shall be used as the basis for all calculations of open space, density, buffers, setbacks required by this Chapter.

9.2.1.1 Topographic Map and Slope Analysis

A topographic map and slope analysis shall be prepared and based on a certified boundary survey and shall depict contours at an interval of five (5) feet or less. The map shall highlight areas of high geologic hazard, areas subject to land sliding, and all slopes in the following categories:

1. Greater than fifteen (15) percent but less than thirty (30) percent.
2. Thirty (30) percent and greater.

9.2.1.2 Ridgeline areas

Ridgeline areas shall be denoted including all crests of hills or steep slopes. For the purposes of this Chapter, ridgelines shall be defined as the natural crest of a hill or mountain as viewed from major roads.

9.2.1.3 Vegetative Cover, Rock Outcroppings, Ponds or Springs and Historic Features.

Vegetative cover shall be denoted generally by type and density of vegetation. This description should include deciduous trees, coniferous trees, gamble oak or high shrub, sage, grassland, and agricultural crops. The City shall have the discretion to require a more detailed tree/vegetation survey if the site has significant or unique vegetation, stands of trees, or wooded areas.

9.2.1.4 Entry Corridors, Scenic View Sheds and Designated Vantage Points

Entry corridors, scenic view sheds and vantage points within or adjacent to the project site shall be indicated in the analysis. Entry corridors shall include the area between I-80 and rail trail, the first five hundred fifty (550) feet of 100 South on both the north and south side and two hundred fifty (250) feet from the center line, Main Street north and south and Chalk Creek and Border Station Road east at the City limits. Scenic view sheds and designated vantage points shall be determined by the Staff and Planning Commission at the time of Concept Plan review.

9.2.1.5 Wetlands

Wetlands as delineated by the Army Corps of Engineers, Soils Conservation Service, or other applicable state or federal agency shall be indicated in the analysis. Likewise, Stream corridors as defined by their ordinary high-water mark and riparian vegetation boundary shall be denoted.

9.2.1.6 Wildlife Habitats and Fisheries

Delineation of all critical or sensitive wildlife and fisheries habitats shall be identified by the State Division of Wildlife Resources or other applicable agency.

9.2.2 Additional Information and Study Requirements

In addition to the analysis required by the preceding subsection, the City Council, Planning Commission or Staff may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the City has adequate information to comprehensively assess all development proposals in or containing Sensitive Lands. Such information and studies may include, but are not limited to:

9.2.2.1 Visual Assessment

Visual Assessments of the subject property from designated vantage points as determined by the Staff and Planning Commission depicting conditions before and after the proposed development.

The visual assessment shall include the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential visual impacts and identify the most advantageous location for structures and other improvements to reduce any adverse scenic impacts. The visual assessment shall be conducted using techniques as approved by the Staff and

Planning Commission including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.

9.2.2.2 Soil Investigation Report

Soil investigation report, including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action.

9.2.2.3 Geotechnical Report

Geotechnical report, including but not limited to location of major geographic and geologic features, depth and types of bedrock, structural features (folds, fractures, faults, etc.), and historic and potential landslide and other high-hazard areas such as mine shafts/tunnels, quarries and known snow avalanche paths.

9.2.2.4 Additional Slope Information

Additional Slope Information. If the size of the proposed development and visual sensitivity of the site dictate, the Staff and Planning Commission may require the submission of a slope/topographic map depicting contours at an interval of two (2) feet.

9.2.2.5 Fire Protection Report

Fire protection report, including but not limited to identification of potential fire hazards, mitigation measures, and access for fire protection equipment, existing and proposed fire flow capability.

9.2.2.6 Hydrologic Report

Hydrologic report, including but not limited to information on groundwater levels, natural and agricultural irrigation and drainage channels and systems, and base elevations in floodplains.

9.2.2.7 Wetland/Stream Corridor, Floodplain/Drainage way Resource Evaluation

Wetland/stream corridor, floodplain/drainageway resource evaluation, including a delineation of wetlands stream corridors and floodplain/drainageway boundaries.

9.2.2.8 Agricultural Analysis

An Agricultural Analysis addressing issues found in Section 3.31 may be required to determine the impacts on important agricultural areas. This analysis must address the effects of land use changes on vegetation, irrigation systems, range and crop land quality, weed control, agricultural accesses and rights-of-way, and fire concerns.

9.2.2.9 Annexations

Whenever an Annexation Petition is presented to the City, the applicant may be required to provide a Sensitive Lands Analysis according to this Code and may require varying levels of detail based upon existing conditions of the site. The Sensitive Lands will be determined based upon that analysis. The analysis may lead to the designation of additional sensitive areas, significant ridgelines, wetlands areas or vantage points which may not have been previously included as a part of this ordinance or on the accompanying maps.

9.2.3 Waiver/Modification of Analysis and Study Requirements.

Based upon a preliminary assessment of the development proposal and a site field inspection, the City Council, Planning Commission or Staff may modify or waive any of the sensitive lands analysis requirements upon a determination that the information is not necessary for a full and adequate review of the development or is sufficient at a reduced level of detail.

9.3 Sensitive Lands Regulations

The following provisions shall apply to all delineated Sensitive Lands and areas contained in the Sensitive Lands Overlay Zone, or as identified in section 9.2. Areas identified as hazardous (geologic or natural hazards and high flooding potential) in the studies and analysis requirements of this Chapter, will be deemed as undevelopable. The following section regulates development on Sensitive Lands.

9.3.1 Slope Protection Regulations

The requirements in this Section are in addition to the regulations found elsewhere in this Code. In the event of a conflict, the stricter of the two shall apply.

9.3.1.1 Intent

It is the intent of these regulations to protect the visual integrity and environmental sensitivity of hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids cut and fill, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of fifteen (15) percent.

9.3.1.2 Prohibitions

No development shall be allowed on slopes in excess of thirty (30) percent, lands subject to landsliding, regular flooding, soils deemed unsuitable for development, and other high-hazard geological areas, as determined by a geotechnical or soils report prepared pursuant to Section 9.2 herein.

9.3.1.3 Cut and Fill Slopes

Cutting and filling to create additional or larger building sites shall be avoided to the maximum extent feasible. All proposed grading and filling shall be subject to review by the City Engineer and Community Development Director to ensure minimum visual impact and geotechnical safety. Cut and fill slopes shall be limited to a 3 to 1 slope or less. All graded slopes shall be recontoured and revegetated to the natural, varied contour of the surrounding terrain.

9.3.1.4 Streets

Street construction on hillsides can be the most visually disruptive impact of a development. Development in some areas may not be appropriate if access roads cannot be constructed without causing significant visual impacts. The following standards apply for streets and roads, public and private that are proposed to be constructed on steep slopes:

1. Streets that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the City Council upon a favorable recommendation by the Planning Commission and City Staff that such streets will not have significant adverse visual, environmental, or safety impacts.
2. Where streets are proposed to cross slopes greater than fifteen (15) percent, the following standards shall apply:
 - a. Evidence must be presented that such streets will be built with minimum disturbance and environmental damage within acceptable public safety parameters.
 - b. Streets shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation and the existing terrain.

- c. Cutting and filling shall be held to a minimum and retaining walls shall be employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed by street construction.

9.3.1.5 Retaining walls

Use of retaining walls may be encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive for revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the Community Development Director, Planning Commission and City Engineer based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

9.3.1.6 Landscaping and Revegetation

In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or revegetated in a manner acceptable to the Planning Commission, Community Development Director and City Engineer. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support native plant growth.

9.3.1.7 Location of Development

Any development permitted in steep slope areas pursuant to this Section shall be located in such a manner to reduce visual and environmental impacts to the maximum extent feasible. To determine the most appropriate location for development, the City shall require the applicant to conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon the analysis, the City may require any one or a combination of the following measures:

1. Clustering of development
2. Dispersal of development
3. Transfer of development density to non-sensitive or less sensitive portions of the site.

9.3.2 Ridgeline Area Protection Regulations

9.3.2.1 Intent

The intent of these provisions is to protect the unique visual and environmental character of all ridgeline areas within the Sensitive Lands Overlay Zone and to ensure that development near ridgeline areas blends in with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sighted in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from the designated vantage points or major roads.

9.3.2.2 Minimum setback

No building, roof or other appurtenant device, except antenna structures, including mechanical equipment, on any building may visually intrude on the ridgeline areas as viewed from any designated vantage point or major road as determined by a visual assessment.

9.3.3 Sensitive Lands Entry Corridor Protection

9.3.3.1 Intent

The intent of these provisions is to protect the visual image of Coalville as people enter the community. The City would like to maintain the visual character of all designated entry corridors by eliminating or mitigating visually obtrusive development and ensuring that significant portions of open space remains intact.

9.3.3.2 Applicability to future annexed properties

Upon submission of an annexation petition, the Planning Commission shall identify relevant sensitive lands entry corridors for designation by the City Council.

9.3.3.3 Landscaping and Design Standards

A visual assessment showing proposed development layout including a landscaping plan shall be required for all entry corridor developments. All development within an entry corridor shall comply with the design standards contained in this Code. Development will not be improved within an entry corridor that will become the prominent visual feature in the view shed, particularly when surrounded by existing open lands.

9.3.4 Wetlands, Lake Shores, Stream or River Corridors, Floodplains and Drainage ways**9.3.4.1 Intent**

Wetlands, lake shores, stream(s) and river channel corridors, floodplains and drainage ways provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands, lake shores, and streams can be lost or significantly impaired as a result of various development activities and patterns. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.

9.3.4.2 Prohibited Activities

No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation within wetlands, lake shores, stream or river corridors, floodplains, drainage ways and their respective setbacks, except as may be expressly allowed herein.

9.3.4.3 Boundary Delineation

Wetland, lake shores, stream corridor, floodplain and drainage way delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by the City. Delineation of wetlands shall be established using the Federal Manual For Identifying and Delineating Jurisdictional Wetlands. Lake shores, stream corridors and drainage ways shall be delineated at the ordinary high water mark and riparian vegetation boundary as defined herein. Floodplains shall be identified in accordance with the Coalville City Flood Insurance Rate Map and Flood Damage Prevention Ordinance

9.3.4.4 Setbacks

Setbacks from wetlands shall extend a minimum of one hundred (100) feet outward from the delineated wetland edge. Setbacks from lake shores and stream corridors shall extend a minimum of one hundred (100) feet outward from the ordinary high water mark. Setbacks from irrigation ditches, canals and drainage ways shall extend a minimum of fifty (50) feet from the ordinary high water mark.

9.3.4.5 Runoff Control

All projects adjacent to wetlands, lake shores, stream corridors, floodplains and drainage ways shall provide appropriate temporary and permanent runoff and erosion control to minimize sediment and other contaminants to the maximum extent feasible. These control systems must be approved by the City Engineer.

9.3.4.6 Restoration Projects

The City may approve wetland, lake shores, stream corridor, floodplain and drainage way restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate State and Federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

9.3.5 Wildlife Habitat and Fisheries**9.3.5.1 Intent**

Wildlife habitat and fisheries provide important biological and ecological, aesthetic, recreational and educational functions. Important functional values of wildlife habitat and fisheries can be lost or significantly impaired as a result of various development activities and patterns. The following standards shall apply to any development which has the potential of adversely affecting critical wildlife or fishery habitats including winter range, migration corridors, birding areas and Class II Fisheries.

1. Reasonable steps shall be taken to minimize such impacts which may require the clustering of development in the least-sensitive portions of the development site.

2. Development layout shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries.

9.4 Administrative Provisions

9.4.1 Development Approvals For Public Projects/Public Works/Public Utilities

All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, communication facilities and cables, roads, and trails, constructed or undertaken within Sensitive Lands shall be reviewed according to the following process and guidelines. It is the intent of this section that proposed public utilities projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations.

The project sponsor shall notify the City of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall also be submitted. Minor projects which are determined by the Community Development Director to have no potential for significant visual or environmental impacts shall be exempt from the process.

9.4.1.1 Mitigation

The Community Development Director shall review the proposed project and may request the project sponsor to prepare an environmental impact statement or mitigation plan that addresses and/or mitigates the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive areas and locate structures and facilities in areas not visible from major public rights-of-way or public property such as parks.

9.4.1.2 Emergency Repairs

In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the City. The City shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

9.4.1.3 Maintenance

Maintenance projects shall proceed only after notification and approval by the Community Development Director. If the Community Developer Director, due to the size or nature of the maintenance activity, determines that a significant adverse impact may result in sensitive areas, the project shall proceed through the review procedures set forth herein.

9.5 Design Standards

All development within Sensitive Lands shall comply with the following design standards which supplement, and supersede in the case of a conflict, any design standards in effect and adopted by the City.

9.5.1 Building Color and Material

All buildings shall be constructed with muted earth tone color materials that reflect the dominant color of the surrounding vegetation or background.

9.5.2 Parking

Subdivision lots and streets shall be designed so that wherever possible parking is located behind buildings on the uphill lots. Uses other than single family residences shall break up parking areas into smaller lots that should be located in linear strips running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural or natural elements.

9.5.3 Rooftop Mechanical Equipment

All rooftop mechanical equipment must be screened and/or painted to match the color of the roof so as not to be readily visible from nearby properties or hillsides above the equipment.

9.5.4 Roof Pitch, Color, and Materials

The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case shall not exceed a height to horizontal ratio of 10/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12. Roofs shall be of a dark, muted earth tone color in a shade of gray, brown, or black that reflects the dominant color of the surrounding vegetation or background.

9.5.5 Underground Utilities

Utility lines servicing developments in sensitive lands shall be installed underground, if the utility line is located within a scenic view corridor and the visual impacts of overhead lines cannot be reasonably mitigated.

9.5.6 Outdoor Lighting

In addition to the lighting standards of Section 3.3.4 herein, all outdoor lighting associated with development in sensitive lands shall be of full cut-off variety and directed downward. Fixtures shall be located in such a way that the light source will not be visible when viewed from public areas and streets beyond the immediate lighted area.

9.6 Tree and Vegetation Protection

The following provisions and mitigation measures are required as enhancements to existing regulations contained in this Code. These regulations will apply to new and existing subdivisions in the Sensitive Lands, including the following criteria to be used in establishing limits of disturbance.

9.6.1 Establishing Limits of Disturbance

Limits of disturbance may be required of any development including the construction of a single family dwelling in Sensitive Lands or any property found to contain sensitive lands. The limits of disturbance will be established using the following criteria:

1. Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline areas protection, and protection of entry corridors and scenic viewsheds.
2. Erosion protection and control, including but not limited to protection of natural drainage channels.
3. Fire protection and safety, including but not limited to location of trees and vegetation near structures.
4. Irrigation and water conservation.
5. Wildlife and fisheries habitat, including but not limited to, preservation of critical vegetation, migration routes, winter range, birthing areas, stream corridors and lakeshores.
6. Stream and wetland protection and buffering.

9.6.2 Tree or Vegetation Removal

No trees or vegetation within Sensitive Lands shall be removed for the purpose of providing open views to or from structures on a site.

9.6.3 Revegetation plan

All applicants proposing development in Sensitive Lands involving cut and fill and graded slopes shall submit a revegetation and landscaping plan for City approval. The plan shall include the

type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured with sufficient topsoil to ensure revegetation. The plan shall also indicate a time frame for revegetation which is acceptable to the City. Retaining walls shall be used to provide breaks in manmade steep slopes exceeding fifteen (15) percent and to provide planting pockets.

9.7 Economic Hardship Relief Provisions

9.7.1 Hardship Relief Petition

Any applicant for development, after a final decision is taken by the City on a development application, may file a hardship relief petition with the City seeking relief from certain of the sensitive lands regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of the property. The petitioner shall have the burden of proving that the denial of the application created a substantial economic hardship.

9.7.2 Affected Property Interest

The hardship relief petition must provide information sufficient for the City to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah and the Fifth Amendment to the United States Constitution.

9.7.3 Economic Hardship Standard

For purposes of this ordinance, a substantial economic hardship shall be defined as a denial of all reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable use of the property, the City may provide the petitioner relief from certain provisions of the sensitive lands regulations.

9.7.4 Time for Filing Notice of Petition and Petition

No later than ten (10) calendar days from final action by the City on any development application, the applicant shall file a notice of petition in writing with the City Recorder. Within thirty (30) days of filing of a petition, the applicant shall file a Hardship Relief Petition with the City Recorder.

9.7.5 Information to be Submitted with Hardship Relief Petition

The hardship relief petition must be submitted in letter form and must be accompanied at a minimum by the following information:

1. Name of the petitioner.
2. Name and address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
3. Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired.
4. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.
5. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property within the previous three years.
6. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the previous three years prior to the date of application.

7. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.
8. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years.
9. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property.
10. For income producing property, itemized income and expense statements from the property for the previous three years.
11. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
12. Review and processing fee in accordance with the Coalville City fee schedule.

The City may request additional information if necessary to arrive at a final conclusion concerning whether there has been a denial of all reasonable use of the property constituting a substantial economic hardship.

9.7.6 Findings of the City Council

The City Council shall, after receiving all the necessary information, hold a Public Hearing in accordance with the notification requirements of Chapter 1 herein. The City Council shall make their decision on the petition based on the evidence and testimony presented, and address the following issues with their findings:

1. Whether the petitioner has complied with the submittal requirements for the hardship relief petition.
2. Whether the petitioner has a protectable interest in property.
3. The market value of the property considering the Sensitive Lands designation.
4. The market value of the property disregarding the Sensitive Lands designation.
5. Whether it was feasible to undertake construction on or development of the property as of the date of the development application, or in the reasonably near future thereafter.
6. Whether, in the opinion of the City Council, the denial of the application created a substantial economic hardship.

COALVILLE CITY DEVELOPMENT CODE

Adopted by the City Council: July 14, 1997

Effective 08/01/1997

Ordinance No. 1997-3

Amendments:

- A. Chapters 1-9 and Appendices: Review Process Flow Charts, City Ordinance and Resolution Reference Sheet and clean-up, update, clarification and miscellaneous revisions.

Adopted 03/08/1999

Effective 03/19/1999

Ordinance No. 1999-1

- B. Chapters 1-9: Clean-up, update, clarification and miscellaneous revisions related to development and subdivision regulations, zoning and project application review and approval procedures and fees.

Adopted 09/10/2001

Effective 09/28/2001

Ordinance No. 2001-04

- C. Chapters 1-9: Clean-up, update, clarification and miscellaneous revisions related to development and subdivision regulations, zoning and project application review and approval procedures and fees.

Adopted 08/14/2006

Effective 09/08/2006

Ordinance No. 2006-02